

CANADIAN POLITICS TODAY

Democracy, Diversity, and
Good Government



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Chapter 1

Canadian Politics

Today



United States Geological Survey

A protester against “fracking” confronts armed riot police near the Elsipogtog First Nation, New Brunswick

Learning Objectives

After reading this chapter, you should be able to

- 1.1** Define some basic political concepts.
- 1.2a** Examine and evaluate the basic features of Canadian democracy.
- 1.2b** Discuss alternative approaches for enhancing Canadian democracy.
- 1.3** Examine the political significance of Canadian diversity.
- 1.4** Outline the criteria for good government.
- 1.5** Discuss the importance of interests, ideas, identities, institutions, and external influences in understanding Canadian politics.

On October 17, 2013, near Rexton, New Brunswick, Royal Canadian Mounted Police (RCMP) officers in riot gear, carrying some assault weapons and accompanied by German shepherd dogs, attacked protesters who ignored a court injunction against their blockade of an SWN Resources Canada facility. This American-owned company was engaged in seismic testing that could lead to hydraulic fracturing (“fracking”) to produce natural gas on land claimed by the Elsipogtog First Nation. In the clashes that followed, six RCMP vehicles were torched, some homemade explosives were found, beanbags and possibly rubber bullets were fired at protesters, and 40 protesters were arrested (Lukacs, 2013; Strapagiel, 2013).

Fracking involves the high-pressure injection of water, soil, and a variety of chemicals into shale formations to extract oil or natural gas that cannot be produced by conventional drilling. Fracking has greatly increased petroleum production in North America in recent years, resulting in lower oil and gasoline prices. It has also made the United States less dependent upon imported oil. For the government of the relatively poor province of New Brunswick, fracking was seen as an important potential source of revenue and jobs. However, fracking has also raised concerns about human health, the potential for earthquakes, and the contamination of soil and water. It has also slowed down the shift to renewable energy sources, including solar and wind power, and thus contributed to the serious problem of global climate change.

The New Brunswick protests were led by persons from the Mi'kmaq and Maliseet First Nations. They claim that the peace and friendship treaties their ancestors signed centuries ago mean that they never gave up their legal right to their traditional territories and that development on their lands should not proceed without their consent. As the Supreme Court of Canada ruled in a somewhat different situation in British Columbia, "Aboriginal title confers on the group that holds it the exclusive right to decide how the land is used." If the title has not yet been established, the government "is required to consult in good faith . . . about proposed uses" (*Tsilhqot'in Nation v. British Columbia*, 2014). On the fracking issue, the New Brunswick government had not engaged in meaningful consultation with First Nations or with the general public.

Fracking is just one important case in which the reconciliation of economic growth and environmental protection presents difficult political challenges. Disputes about the expansion of the Trans Mountain pipeline, which carries crude and refined oil from Alberta to the west coast of British Columbia, have sparked tensions between the governments of Alberta and British Columbia, as well as protests from environmentalists and First Nations groups.

Meaningful public discussion of controversial issues helps to ensure that government decisions are based on scientific evidence and community support. Democracy and good government involve more than simply electing a government every few years. Furthermore, despite being ignored for generations, the rights of Indigenous peoples (founders of Canada's diverse society) need to be taken seriously.

In the end, the New Brunswick Liberal government elected in 2014 placed a moratorium on fracking. Likewise, in neighbouring Nova Scotia, the Liberal provincial government continued a moratorium (initiated by the previous New Democratic Party (NDP) government) that was recommended after an extensive scientific review and public consultations by an independent panel. Fracking may eventually be allowed under strict conditions in these provinces.

Chapter Introduction

Political actions by individuals and groups and the decisions of governing institutions have important effects on our lives; on the interests of various groups; and on the quality of life in our country, provinces, and local communities. Consider, for example, the actions of student organizations to try to persuade governments to lower or eliminate tuition fees, the Supreme Court of Canada decisions that resulted in the legalization of same-sex marriage and medically assisted dying, and the efforts of environmental groups to try to convince governments to adopt effective policies regarding global climate change.

Core Political Concepts

1.1 Define some basic political concepts.

Politics can be thought of as all of the activities related to influencing, making, and implementing collective decisions.¹ Political activity usually involves controversy because different people have contrasting interests, values, and priorities when collective decisions are at stake. As well, controversy and conflict characterize politics because of the relentless competition for positions of political power and the potential for misuse of power.

Politics, particularly in stable, democratic countries such as Canada, often also involves activity aimed at resolving conflicts or at least playing down their significance. For example, after Quebec's divisive 1995 independence referendum, the

Politics

Activities related to influencing, making, and implementing collective decisions.

¹ "Politics," like many other terms used in political science, is subject to different contending definitions that often reflect different political perspectives. In particular, some prefer to think about politics in terms of any relationship that involves the use of power. A distinction between public, collective decisions and private decisions, it is argued, obscures the use of power to dominate subordinate groups in society.

Canadian government made some overtures to appease those Quebecers who voted “yes” because they wanted changes to Canada’s federal system but did not necessarily believe in outright independence. The gestures included presenting a resolution to the House of Commons recognizing “that the Québécois form a nation within a united Canada” (CBC News, 2006).

Power is a key feature of politics. Power involves the ability to affect the behaviour of others, particularly by getting them to act in ways that they would not otherwise have done. For example, take a student group that succeeds in pressuring its provincial government to lower tuition fees. If the government would not have taken action without pressure from the students, we can say that the group has exercised its power—and done so effectively.

The collective decisions of a political community mirror, to a considerable extent, the distribution of political power. Those who have scant political power will likely find that collective decisions do not reflect their interests or values. For example, through much of Canada’s political history, Indigenous peoples; women; and some minority ethnic, racial, and religious groups enjoyed almost nothing in the way of political power. It is hardly surprising, then, that Canadian governments barely paid attention to the needs and aspirations of these groups and, indeed, adopted policies that discriminated against or even oppressed these groups. Although the right to vote in elections now gives some political power to all citizens, the reality is that some people, groups, and interests are much better equipped to influence government than is the “ordinary” citizen. For example, the Business Council of Canada, whose membership comprises the leaders of Canada’s largest corporations, has demonstrated a considerable ability to shape government policy on a variety of important issues, including the pursuit of free trade agreements.

State and Government

Canada is a sovereign (independent) **state** whose governing institutions are able to make and enforce rules that are binding on the people living within its territory. The national and provincial governments that are currently in office act on behalf of the state (legally referred to as “the Crown”). “The state” also refers to all of the institutions and agencies that act on behalf of the state, including the police and military forces and state-owned (Crown) corporations.

At the centre of political life is the **government**: the set of institutions that have the authority to make executive decisions; present proposed laws, taxes, and expenditures to the appropriate legislative body for approval; and oversee the implementation of laws and policies. When we talk about the Canadian government (also called the “national” or “federal” government), we are usually referring to the prime minister and cabinet along with the variety of departments and agencies that fall under their direction. However, Parliament, the court system, and the monarch and governor general are also part of the overall system of the Canadian government. Provincial and territorial governing systems are organized in a separate but similar manner.

Authority and Legitimacy

In analyzing the power of governments, political scientists often make use of the related concepts of *authority* and *legitimacy*. **Authority** refers to the right to exercise power. Those in governing positions in Canada claim the right to make and implement decisions under the authority of the constitution. **Legitimacy** refers to the acceptance by the people that those in positions of authority have the right to govern. Governments can exercise power through their ability to direct the major means of force—the police and military. However, since those in positions of authority have usually been able to establish their legitimacy in the eyes of the public, governments in Canada have rarely needed to rely heavily on the use of force to exercise power. In this respect, Canada contrasts sharply with countries such as Egypt and China, where authorities often depend on force to maintain their power.

Power

The ability to affect the behaviour of others, particularly by getting them to act in ways that they would not otherwise have done.

State

An independent, self-governing country whose governing institutions are able to make and enforce rules that are binding on the people living within a particular territory.

Government

The set of institutions that have the authority to make executive decisions; present proposed laws, taxes, and expenditures to the appropriate legislative body; and oversee the implementation of laws and policies.

Authority

The right to exercise power.

Legitimacy

The acceptance by the people that those in positions of authority have the right to govern.

Without free and fair elections to select the governing party, the legitimacy of Canadian governing institutions would be compromised. In addition, the willingness of those in government to abide by constitutional rules helps to preserve the legitimacy of governmental authority while placing some limits on how government acts. However, the legitimacy of a government may weaken among those who feel that the government is systematically unfair to their group or unjust in its policies.

Legitimacy also comes into play in analyzing the state. If some groups feel the state was forced on them or is controlled by and acts in the interests of others, then the legitimacy of the state may be challenged. For example, some Indigenous First Nations claim that they never gave up their right to sovereignty (i.e., their right to govern themselves and their territory without outside interference). The Canadian state in this view is an illegitimate colonial power. This raises the question as to whether, or to what extent, those First Nations should be subject to the laws of Canadian governments. In another example, if a majority of Quebecers had voted for independence in 1995 and the Canadian government refused to recognize Quebec's sovereignty, the Quebec government might have challenged the legitimacy of the Canadian state.

Governments not only have the power to make and implement decisions, but also have some ability to persuade the society they govern about the desirability of their policies. They may be able to influence society by controlling information, gaining media exposure for their views, and carrying their messages to the public through advertising. For example, in 12 weeks in 2011, the Canadian government spent \$26 million on television and radio advertising to support the claim that its economic action plan was benefiting the public. Politics thus involves not only the attempts of various groups and individuals to influence government but also a two-way relationship between society and government.

In thinking about the power of government, it is important to keep in mind that Canada has a variety of governments, including federal, provincial, territorial, municipal, and Indigenous. As will be discussed in Chapter 12, Canada's federal system is characterized by quite a high level of conflict, as well as considerable cooperation, between the Canadian government and provincial governments. The power of the Canadian government is limited because provincial governments enjoy considerable power that they are determined to use. Action on a number of policies relies on negotiation and agreement between federal and provincial governments.

Although governments and legislatures have the authority to make binding, collective decisions, a variety of other organizations, groups, and individuals also have a hand in making and implementing some decisions. For example, Canadian governments often consult with interest groups representing different elements of society or sectors of the economy to help develop policies on topics that affect them. Similarly, businesses and community organizations are sometimes involved as partners with government in developing and carrying out specific programs.

Democracy

1.2a Examine and evaluate the basic features of Canadian democracy.

1.2b Discuss alternative approaches for enhancing Canadian democracy.

If you were asked to describe the basic nature of Canadian politics, how would you respond? For most people, democracy is the key feature of Canadian politics. But what exactly does it mean to describe Canada as a "democratic" country? While Canada is undoubtedly more democratic than Iran, Saudi Arabia, or Cuba, can Canada be considered fully democratic?

Democracy

The term **democracy** originated with two words of ancient Greek that can be interpreted as “rule by the people.” In the **direct democracy** system of some of the ancient Greek city-states, such as Athens, citizens took charge of the governing decisions, especially by discussing the issues and then voting on laws in an open forum that all citizens could (and were expected to) attend. Democracy was viewed as putting power in the hands of ordinary citizens (other than women, slaves, and the foreign born) rather than in the hands of an elite group, particularly the wealthy few.

Representative Democracy

In modern times, **representative democracy** has served as the primary method of implementing the democratic ideal of rule by the people. In this system, most citizens are not directly involved in making governing decisions. Instead, citizens elect representatives to make governing decisions on their behalf. In electing a representative nominated by a political party, Canadian voters in effect are determining which political party will form the government.² In most cases, the leader of the party that wins the greatest number of legislative seats in the House of Commons will become the prime minister and will select cabinet ministers from members of his or her political party.

Representative democracy is often viewed as the most practical way of applying the democratic ideal to large, modern, complex societies. Voters may get a sense of what those vying to be elected will do by studying the campaign platforms of political parties and carefully following coverage of the campaign in the media. Thus, they may be able to have some influence on the general direction of the government by choosing among the competing parties. If citizens are disgruntled with the policies of the governing party, they can vote for a representative of a different party in the next election. Admittedly, the people may have only limited control over those they elect. Yet the desire to get re-elected can lead politicians and governing political parties to act in ways that will help them achieve that goal, particularly by meeting the expectations of a sufficient number of voters to win an election. Furthermore, we can hope that our elected representatives will devote their knowledge, skills, and energies toward deciding what is in the public interest, thus freeing up the rest of the population from much of that responsibility.

Critics of representative democracy argue that elections are imperfect vehicles for ensuring that representatives act according to the wishes of the people. There is the ever-present danger that those we elect will be preoccupied with their own interests or those of their supporters rather than the interests of the public as a whole. As well, those we elect may act on their own perspectives and values, which may diverge from those of the population they represent. Furthermore, political parties often do not offer clear choices to voters or spell out exactly how they will act in office. And those we elect do not always respect the positions taken or fulfill the promises made during election campaigns.

Furthermore, to some extent Canada does not fully meet the ideal of representative democracy. As discussed in Chapter 14, the unelected Canadian Senate has to approve all legislation, although it has rarely rejected legislation passed by the House of Commons in modern times. As well, because of the nature of our electoral system (see Chapter 9), the governing party rarely has obtained a majority of the votes in an election, even if it wins a majority of seats in the House of Commons. As discussed in Chapters 13 and 14, the power of government has tended to be concentrated in the hands of the prime minister, the prime minister’s advisers, and a few key cabinet ministers. Strict party discipline in the House of Commons curbs the ability of elected members to vote according to the wishes of their constituents, and debate in the House of Commons is often limited to controversial legislation.

Democracy

Rule by the people either directly or through the election of representatives.

Direct Democracy

A form of democracy in which citizens are directly involved in making the governing decisions.

Representative Democracy

A form of democracy in which citizens elect representatives to make governing decisions on their behalf.

² A coalition of parties could also form the government, but this has been much less common in Canada than in many other democratic countries.

More generally, some argue that political power in Canada is very unevenly distributed. Members of elite groups and large corporations along with lobbyists having inside connections to government policy makers play a leading role in affecting major decisions (Carroll, 2004; Clement, 1977; Olsen, 1980; Porter, 1965). Others, however, suggest that the presence of interest groups and social movements representing various sectors of society and contrasting political perspectives has provided an avenue for the general public to try to influence public policies—a way to exercise power beyond the choices made in an election. Nevertheless, greater social and economic equality may be needed if Canada is to become more fully democratic. Greater equality would reduce the power of the wealthy and might encourage more effective participation in political life by all individuals.

Liberal Democracy

A political system in which the powers of government are limited by law, the rights of the people to engage in political activity freely are well established, and fair elections are held to choose those who make governing decisions.

Constitutional Government

A government that consistently acts in keeping with established fundamental rules and principles.

Liberal Democracy

In addition to being a representative democracy, Canada can be described as a **liberal democracy**. In a liberal democracy, all individuals are able to express their views freely, organize for political action, compete for public offices in regular and fair elections, and access a variety of sources of information and opinions that are not controlled by government. Liberal democracies also feature **constitutional government**—that is, a government that consistently acts according to established fundamental rules and principles. An independent judicial system that protects the rights of individuals and upholds the constitution is an essential feature of a liberal democracy. Thus, liberal democracy is based on the rule of law.

Liberal democracy involves protecting rights and freedoms both from arbitrary governments and from majorities who might seek to curb the rights of unpopular individuals or groups. Liberal democracy not only guarantees protection of the political rights needed for a meaningful democracy but also ensures that individuals are entitled to live as they choose, as long as they do not significantly harm others or interfere with others' rights. In other words, the "liberal" aspect of liberal democracy means maintaining a substantial area of private activity where government should not intervene (although what should be considered "private" is often controversial). Thus, liberal democracy protects diversity within society by allowing people to follow their own values and practise their own beliefs, even if the majority view these values and practices as undesirable. (See Box 1-1: Banning the Kirpan: Religious Rights and Public Safety in Schools.)

Despite the characterization of Canada as a liberal democracy, the rights of minorities have not always been protected. During times of heightened awareness of real or imagined threats to national security and public order, governments and security forces have sometimes acted in illiberal ways. In particular, concerns about terrorism can lead to challenges to liberal rights and freedoms, including the surveillance of various forms of communications.

Plebiscitary Democracy

Some Canadians have pushed for modifications to the system of representative democracy to give the people greater control of their representatives and the decisions that governments make. In particular, the Progressives in the 1920s (a farmers-based political party) and the Reform Party³ that originated in western Canada in the 1980s advocated **plebiscitary democracy**: the use of referendums, initiatives, and recall procedures. This, it was argued, would help to ensure that decisions were based on the interests, values, and common sense of ordinary people rather than the wishes of elites and "special interests."

Plebiscitary Democracy

The use of referendums, initiatives, and recall procedures as an alternative to what some view as the elite-oriented nature of representative democracy.

³ Although members of the former Reform Party (and its successor, the Canadian Alliance) played a leading role in the founding of the new Conservative Party in 2004, the Conservatives dropped the plebiscitary proposals from their party's platform.

Box 1-1 Banning the Kirpan: Religious Rights and Public Safety in Schools



Fred Chartrand/The CP Images

When 12-year-old Gurbaj Singh Multani dropped his kirpan (a sheathed steel knife) at school in 2001, he had no idea that he would become central to a Charter case about freedom of religion that would not be decided by the Supreme Court until 5 years later.

In 2001, 12-year-old Gurbaj Singh Multani dropped the sheathed steel knife, or kirpan, he was wearing at a Montreal elementary school. As required by his Khalsa Sikh faith, he had made a spiritual commitment to carry a kirpan (which is to be used only as a weapon of defence) at all times. When Gurbaj dropped the kirpan while playing in the schoolyard, the mother of another student complained to school officials (CBC News, 2006, March 2). Although Gurbaj's family accepted a school board request that the kirpan be securely covered, higher school authorities resolved that the kirpan, like other weapons, should be banned from schools. When this decision was overturned in a court challenge, some parents picketed the school and refused to send their children to class. Because of the taunts that pursued him, Gurbaj left to attend a private school.

Eventually, the question of whether kirpans should be banned in schools went before the Supreme Court of Canada. Its ruling in 2006 allowed Gurbaj to wear the kirpan, as long as it was under his clothes and sewn into a sheath. In the court's view, a complete ban could not be justified because of the right to freedom of religion enshrined in the Canadian Charter of Rights and Freedoms. As well, Justice Louise Charron argued that a ban is "disrespectful to believers in the Sikh religion and does not take into account Canadian values based on multiculturalism."

Many Canadians favoured the banning of kirpans in schools. While the Supreme Court decision may not have reflected the opinion of the majority of Canadians, it did uphold the right of a minority group to follow their religious beliefs while trying to ensure that practices based on those beliefs did not harm or endanger others.

A **referendum** is a vote by citizens on a particular question asked by the government or a legislative body. The Canadian government has resorted to referendums only three times (for the prohibition of alcohol, the imposition of conscription, and a package of constitutional changes known as the Charlottetown Accord). Provincial and local governments have turned to referendums⁴ on such issues as the fixed link (bridge) to the mainland (Prince Edward Island), Sunday shopping (Nova Scotia), video lottery terminals (New Brunswick and various municipalities in Alberta), sovereignty-association (Quebec), and electoral reform (British Columbia, Ontario, and Prince Edward Island). In 1992, voters in a Northwest Territories-wide plebiscite voted to support the division of the territory so as to create a new Nunavut Territory with its own government.

An **initiative** is a proposed new law or changes to an existing law drafted by individuals or groups rather than by a government or a legislature. Initiatives are put to a vote by citizens after enough signatures have been collected. In Canada, only British Columbia has set up a procedure for initiatives.⁵ In 2010, the first successful initiative involved the collection of 557 383 signatures (easily surpassing the

Referendum

A vote by the people on a particular question asked by the government or legislative body.

Initiative

A proposed new law or changes to an existing law drafted by an individual or group rather than by a government or legislature. The proposal is put to a vote by the people after enough signatures have been collected.

⁴ Referendums are also known as plebiscites. In the past, *plebiscite* was used to refer to a vote that was not binding on government or legislatures. This distinction has generally disappeared.

⁵ Alberta provides for citizen initiatives at the municipal level.

requirement that at least 10 percent of registered voters in each of the province's 85 electoral districts sign the petition within a 90-day period). This was followed by a 2011 mail-in ballot in which 57.43 percent of those voting supported rescinding British Columbia's adoption of the harmonized sales tax (HST). A 2013 initiative that would, in effect, largely decriminalize marijuana possession obtained over 200 000 signatures in 90 days but fell far short of meeting the 10 percent requirement in every electoral district.

Recall

A procedure that allows citizens to recall their representative and require that a new election be held, provided sufficient names are obtained on a petition.

Recall procedures allow citizens to recall their representative and require that a new election be held, provided sufficient names are obtained on a petition. Again, British Columbia is the only province that provides this opportunity. At least 40 percent of registered voters in a district have to sign a recall petition within a 60-day period for a recall election to be called. From 1995 to November 2018, all of the 26 petition applications had been withdrawn or did not receive sufficient valid signatures, although one representative resigned rather than face a probable recall election.

Plebiscitary mechanisms give citizens a chance to vote for more than the election of a representative every few years. However, there are some potential problems. The wording of a referendum question or initiative proposal may be misleading or manipulative. For example, the Canadian government criticized the 1995 Quebec referendum question on the grounds that the phrasing did not provide voters with a clear question about independence. As well, almost all referendums and initiatives allow voters to respond only "yes" or "no" to a particular proposition; more nuanced ways of dealing with an issue are not presented. As with elections, those with money or influence may be able to sway voters in referendums. Furthermore, turnout for referendums and initiatives is often low. For example, although 93.5 percent of Quebecers voted in the 1995 sovereignty (independence) referendum, only about 54 percent of registered voters participated in the British Columbia HST vote. As well, if voters are called upon to decide several issues at the same time (as frequently occurs in some American states), they may not pay enough attention to all of the complexities involved. Referendums and initiatives may also be used to trample the rights of unpopular minorities. For example, in the past many American states held referendums that led to banning same-sex marriage. Finally, the recall procedure does not fit easily into Canada's parliamentary system, in which individual representatives are expected to vote along party lines rather than in keeping with the wishes or interests of their constituents.

Deliberative Democracy

Deliberative Democracy

A form of democracy in which governing decisions are made based on discussion by citizens.

Unlike plebiscitary democracy, which gives citizens extra opportunities to vote, **deliberative democracy** engages citizens in deliberating about governing decisions through discussion (Mendelsohn & Parkin, 2001). The underlying idea is that ordinary citizens can make recommendations that are in the public interest, provided they have the opportunity for free and equal discussion and have access to the information, ideas, and time needed for intelligent deliberation. Unlike politicians, whose decisions are often based on seeking advantage in the ongoing struggle for power, ordinary citizens may be able to reach a consensus on some key issues despite having different interests, values, and viewpoints. Deliberative democracy can, therefore, be a means to accommodate the diversity of society, provided that those actively involved in the deliberation reflect that diversity. Citizens' assemblies consisting of a random selection of citizens were used in British Columbia and Ontario to deliberate and make recommendations about changes to those provinces' electoral systems. (See Chapters 6 and 9.)

The idea of deliberative democracy faces the hurdle that interest in politics is not generally high. Many people may not be willing to devote the time and energy needed to discuss and deliberate on complex issues. However, although many people are not deeply engaged in competitive partisan politics, they are likely to take an interest in those political issues and problems that concern or affect them.

Indeed, active participation in politics has increased substantially through participation in various groups seeking to influence public policy, bring about social change, or protest the actions of government. Contemporary communications technologies, combined with a more educated population, can facilitate informed discussion of political issues. However, those most likely to actively participate in public deliberations are typically the best-educated people and those with higher social and economic status, as well as spokespersons for particular interests. Unless major efforts are made to involve a wide diversity of people, deliberative democracy may result in recommendations that do not adequately consider the views and interests of many elements of society.

Social Democracy

Critics of liberal democracy argue that it is not fully democratic, particularly if liberal values include a defence of property rights and income inequality. Large corporations and members of elite groups, it is argued, have a strong ability to affect major government decisions. Further, the owners of the mass media tend to promote the values and interests of the corporate world. The less-advantaged members of society have much less ability to participate effectively in the political process and thus do not have an equal voice. From the perspective of **social democracy**, greater social and economic equality is needed for Canada to become more truly democratic. For social democrats, various social rights such as health, education, and child care should be equally available to all persons in addition to political and civil rights. Thus, social democrats favour a greater role for government than do those who focus on protecting the property rights associated with a free market economy.

Social Democracy

The perspective that greater social and economic equality is needed for a country to be fully democratic.

Diversity

1.3 Examine the political significance of Canadian diversity.

A key characteristic of Canada that has great political importance is the diversity of its peoples. Accommodating Quebec's distinct society within the Canadian federal system has been the subject of considerable attention in Canadian politics. (See Chapter 3.) Other provinces and territories also vary in their economic characteristics, their historical experiences, the cultural and linguistic characteristics of their populations, and the identities, values, and political perspectives that are widely held by their residents. (See Chapter 5.) First Nations have been searching for a new relationship with Canadian governments that respects what they view as their inherent right to self-government—that is, the ability to govern their own people and lands. (See Chapter 11.) Immigrants from many parts of the world have added greatly to the diversity of Canada by bringing different cultures, values, beliefs, identities, and political perspectives. Furthermore, differences in interests, values, and identities are found among those in different social classes, regions, religious faiths, genders, and sexual orientations and identities. (See Chapters 3 and 5.)

The diversity of Canada raises questions about not only how to accommodate different cultures, values, perspectives, and identities but also how to deal with the problems and injustices that different groups have experienced or continue to experience. Indigenous peoples; women; sexual minorities; immigrants; and various minority cultural, ethnic, and religious groups have suffered discrimination and face continuing social and economic barriers to full equality. As well, many provincial governments have emphasized real or perceived unfair treatment of their province at the hands of the national government.

The diversity of Canada also raises issues concerning how democracy is applied in Canada. Democracy is often thought to involve the equality of all citizens. For some, this means that all persons should be treated the same and the wishes of the majority should be the basis of public policies. However, as discussed in Chapter 11, Canada's Indigenous peoples claim special rights based on their cultural differences and the treaties that were signed with French, British, and Canadian governments. French Quebecers often argue that the Quebec government needs special powers to protect and develop their distinct culture (Chapters 3 and 12). Controversies also arise concerning whether governments should encourage new and recent immigrants to Canada to adopt Canadian customs and values or encourage them to maintain their own languages, customs, and traditions (Chapter 3).

Accommodating diversity can occur in a variety of ways. Protecting individual freedoms is essential to ensuring that those with different beliefs, cultures, and values can live according to their own convictions. Providing equal rights and benefits for those with different characteristics or lifestyles is important in accommodating diversity. For example, legalizing same-sex marriage has accommodated gays and lesbians. The Charter of Rights and Freedoms and human rights codes prohibit various forms of discrimination based on such characteristics as race, ethnic origin, religion, sex, age, and disability. (See Chapter 10.) A more active approach (as discussed in Chapter 4) involves adopting policies that promote an equitable representation of persons with different characteristics in employment and political positions.

Providing rights, freedoms, and opportunities for individuals does not necessarily take into account the importance of the community in shaping how we live our lives. At the collective level, allowing a community that differs from the mainstream to govern itself affords a way of accommodating diversity. By that means, the values and interests of the group can lay the foundation for the policies and laws of the community. However, all of the members of a community will not necessarily share the same values and interests. For example, the government of Quebec views itself as representing the entire Quebec community, yet the English-speaking minority in that province has fought against the government's measures to make French the sole public language. As well, there are some very small groups whose practices (such as polygamy) are at odds with the values of the Canadian community.

Diversity and Unity

In the past, diversity often triggered negative thoughts and feelings. People from foreign or minority cultures were expected to assimilate to the dominant Canadian culture by adopting the language, customs, and values of the majority. Those who did not "fit in" and looked or acted differently from the majority were often scorned, discriminated against, and shut out of positions of political power. Although many people continue to believe that assimilation is necessary to create a unified country, efforts to assimilate people into the dominant culture are likely to cause tension and political conflict. Nevertheless, consensus about the basic political values and laws of the country is needed to maintain a degree of unity among members of diverse groups. Even though many people have a strong sense of identification with their cultural groups or their province, to varying degrees most also



Steve Debenport/E+/Getty Images

The diversity of Canada's population has great political significance. Those of different social classes, ethnic and linguistic backgrounds, faith traditions, genders, sexual orientations, and identities often have different political interests, values, and ideological perspectives.

Although many people continue to believe that assimilation is necessary to create a unified country, efforts to assimilate people into the dominant culture are likely to cause tension and political conflict. Nevertheless, consensus about the basic political values and laws of the country is needed to maintain a degree of unity among members of diverse groups. Even though many people have a strong sense of identification with their cultural groups or their province, to varying degrees most also

have a sense of attachment to Canada and its democratic political system. Thus, a significant degree of unity exists in Canada despite considerable diversity.

Good Government

1.4 Outline the criteria for good government.

We cannot assume that governments, even in a democratic country, will necessarily act in the public interest. Because of the competitive struggle for power, those in governing positions may be more preoccupied with staying in power than with doing what best serves the country and its people. The governing party may act in ways that are designed to discredit the opposition, dupe the public, or provide perks and benefits to those expected to support it in the next election. Furthermore, those in governing positions may be tempted to act in ways that reward themselves and their families personally. Although recent efforts have tried to ensure that public officeholders act ethically, some individuals will inevitably abuse their positions of authority. Even if most of those in governing positions are dedicated to serving the public interest, competing views exist as to what the public interest entails. Different interests, values, and ideological perspectives shape perceptions of the public interest. For example, some people argue that “the government that governs best governs least,” while others believe that government should supply a wide variety of services, play an active role in economic development, and reduce inequalities.

Many people assess the actions of government in terms of their particular interests, values, and identities. That is, they may focus more on the well-being of their province, local community, cultural group, social class, or gender than on the well-being of the country as a whole. It is natural to be concerned with our own well-being and that of our family, friends, and groups with which we identify. However, in a diverse country like Canada, this tendency to judge the broader effects of government primarily in terms of those groups or localities we identify with seems firmly entrenched; it may be stronger than in some countries where people generally view themselves as part of a single national community. Canada’s federal system, which divides governing authority between national and provincial governments, tends to reinforce or heighten the assessment of actions taken by the Canadian government in terms of the benefits or costs for particular provinces.

Even if we set aside the interests of the groups we identify with, there remains the issue of whether we should evaluate government actions primarily in terms of the public interest of Canada or that of the world as a whole. For example, if government policies encouraged the conversion of land from growing food crops to growing crops for biofuel, this might benefit Canadian farmers and the Canadian economy but could contribute to higher food prices, food shortages, and even starvation in other parts of the world. Should we assess good government only in terms of what’s advantageous for Canadians? Or should good government also involve actions and initiatives such as protecting the global environment, assisting the development of poorer countries, promoting global human rights, and working toward a peaceful world?

Finally, there is the issue of the relative importance of the public interests of Canadians in the present and Canadians in the future. For example, degradation of Canada’s natural environment may fuel prosperity in the present while harming opportunities for future generations. (See Chapter 4.) Likewise, a high level of government debt today (unless it involves investments in the future) may become a lasting burden to new generations.

Democracy and Good Government

Democracy can help foster good government, particularly if those in positions of authority are held accountable for their actions and are responsive to the needs and desires of the people.

ACCOUNTABILITY Accountability includes

- providing valid justifications for the actions and policies of government,
- responding to criticisms, and
- moving swiftly to remedy problems resulting from government actions and policies.

For accountability to be effective, legislators, the media, and interested members of the public should be able to investigate and scrutinize the activities of government. As discussed in Chapter 14, governments have made considerable use of procedures to severely limit parliamentary debate on proposed legislation. Furthermore, the increasing use of “omnibus bills,” which bundle together a large number of often unrelated legislative proposals, limits the scrutiny of legislative proposals. For example, the Conservatives’ 2012 Budget Implementation Act proposed major changes to more than 70 laws dealing with a wide variety of topics, including environmental assessment, employment insurance, immigration, fisheries, and old age pensions, most of which were not directly related to the government’s budget. This prevented detailed scrutiny of major policy changes by the standing House of Commons committees that are familiar with particular policy areas. Despite criticizing omnibus bills while in opposition and promising to end their use upon coming to government, the Liberal government also introduced a budget implementation bill containing measures that were not included in the 2018 budget.

Public inquiries headed by independent individuals, as well as independent court systems, are also key to dealing with allegations of illegal or improper behaviour by government. Likewise, independent review and investigative processes are needed to ensure that various government agencies operating somewhat independently of government—such as the RCMP and other police, military, and national security agencies—do not abuse the power vested in them. For example, the death of Polish immigrant Robert Dziekanski after being repeatedly tasered by four RCMP officers at Vancouver International Airport in 2007 was revealed by an amateur video uploaded to YouTube. A public inquiry led by retired judge Thomas Braidwood concluded that the Taser use was unjustified and that the officers misrepresented their actions. However, while the RCMP made a public apology and the victim’s mother received financial compensation, it is not clear that inappropriate use of Tasers by police forces has changed.

TRANSPARENCY For the accountability of government to be meaningful, government must be as *transparent* (open) as possible. Governments have a strong tendency to withhold information that may reflect negatively on them. However, hiding information can hinder governments from making use of constructive criticism to correct their mistakes and better their performance. Transparency facilitates informed public participation in politics. Access to information (also known as freedom of information) legislation, backed up by the ability of the courts or an independent body to require that information be released in a timely manner, is important in making transparency more than mere rhetoric. Although some limits on transparency are needed to protect national security, individual privacy, ongoing negotiations, and the functioning of cabinet, governments often go far beyond justifiable limits.

RESPONSIVENESS Governments should be *responsive* to the needs and wishes of the people they govern. Governments can easily lose touch with ordinary people, and elections every few years may not be enough to ensure responsiveness. Governments do frequently use public opinion polls, although, on occasion, it is more to craft messages for electoral advantage than to respond to public opinion and concerns. Opposition parties are quick to exploit opportunities to raise awareness of the problems people face. However, sometimes they (and the media) focus on trivial issues (e.g., criticizing a cabinet minister for using her expense account to buy a \$16 glass of orange juice). Governments are often reluctant to act on issues raised by opposition parties or to consider alternative policy ideas they present.

Does good governing simply entail doing what the majority of people want the government to do? In a liberal democracy, the wishes of the majority need to be balanced by protections for the rights of minorities and individuals. Furthermore, some people expect government to provide leadership, which may involve creating a vision for the country. This may involve trying to convince people that a certain course of action will, in the long run, achieve important, widely shared values.

PARTICIPATION AND INCLUSIVENESS The informed *participation* of the public, including groups that represent all sectors of society, helps those in governing positions to grasp and be responsive to the needs, wishes, and perspectives of those being governed. Of particular importance is participation by marginalized groups in society whose views and interests are often ignored because of their limited power and organizational capabilities. Ideally, public participation should be meaningful, with government and legislators taking the views of the public seriously. Likewise, the *inclusiveness* within governing, legislative, judicial, and administrative institutions of diverse elements of society allows different voices with contrasting needs and values to be taken into account. Developing a broad consensus based on participation and inclusiveness helps to shore up the legitimacy of the state and its governing institutions among all elements of society.

Analyzing Politics

1.5 Discuss the importance of interests, ideas, identities, institutions, and external influences in understanding Canadian politics.

In analyzing politics, it is useful to examine the

- contending interests that seek to benefit by influencing what government does,
- major political ideas and perspectives,
- extent to which people identify themselves with different groups and political communities,
- development and characteristics of political and governmental institutions, and
- external and global influences on the country.

As well, it is important to understand the historic, economic, and social context of politics. Of particular importance in affecting the decisions of governments is the relative capability of various groups, individuals, and institutions to exert power effectively. (See Box 1-2: Dam Politics.)

Interests

A classic definition of politics is “who gets what, when, how” (Lasswell, 1935). In this view, politics is basically a struggle among contending groups and individuals to promote their own interests, particularly in terms of how the benefits and costs of government policies are distributed. For example, poorer people will likely seek government programs that provide free health care and education as well as insurance against unemployment, disability, and old age. Business owners and corporate executives, on the other hand, will typically seek to have lower taxes, fewer business regulations, and fewer costly government-funded social services.

Ideas

The ideas, values, and beliefs that people (including both the public and those in governing positions) hold often affect how they act in political life. For example, discussions of Senate reform (or abolition) are often framed in terms of which proposal is most likely to improve the quality of Canadian democracy.

Box 1-2 Dam Politics

Across northern Canada, many recent and potential hydro-electric projects hold the promise of relatively clean energy. Amid concerns about pollution and global climate change caused by the burning of fossil fuels, building dams seems to be an ideal solution for sourcing clean power. However, many large-scale hydro projects have come under criticism. Large concrete dams often flood forests that store carbon dioxide, and the decaying, submerged forests and other vegetation eventually releases methane, a highly potent greenhouse gas. The building of transmission lines that run thousands of kilometres results in a significant removal of forest while potentially harming migratory animals. Furthermore, dams may cause a buildup of poisonous mercury in rivers, which can have serious effects on fish and human health.

Among the interests concerned with promoting dams that can cost billions of dollars are major construction companies, unions representing building trades, and corporations (such as aluminum producers) that require large amounts of inexpensive energy. Those opposing dam construction are typically environmental and conservation groups, wilderness outfitters, hikers, and trappers. Indigenous peoples, who may be displaced from their traditional land and find their traditional way of life harmed, often view damming a river as a threat to

their livelihood, identity, and spiritual values. There is also often conflict between those who primarily value economic growth and development and those who place a higher value on preserving the natural environment.

Governments are often advocates of these “megaprojects,” which they see as opportunities to create jobs and stimulate economic growth. Likewise, the Crown (government-owned) corporations responsible for energy production and distribution are often forceful advocates of dam building. In the past, Indigenous peoples were often ignored when power projects were developed that flooded their traditional territories. However, the Supreme Court of Canada has ruled that Canadian and provincial governments have a “duty to consult” Indigenous peoples when proposing developments on lands where they have rights or land claims. This can lead to lengthy and difficult negotiations.

As well, if the dam or the transmission lines affect other provinces, it may be difficult to reach agreements between provincial governments. For example, the construction of the Churchill Falls Generating Station dam in Labrador has resulted in many decades of intense and bitter tensions and lawsuits between the government of Newfoundland and Labrador and the government of Quebec, because Quebec gained the vast majority of the financial benefits of the electricity generated that passes through its territory. Finally, there may be some foreign influence, particularly if energy needs to be sold to the United States to make the projects economically viable. For example, the Cree in Quebec sought support for their campaign against dams by asking various state governments in the United States to refuse to buy power from northern Quebec until their demands were met.

Although there are complex economic, financial, engineering, and environmental considerations involved in decisions to build dams, there are also important political considerations that may involve different interests, ideas, identities, institutions, and external influences.



Greg Locke

In addition, as discussed in Chapter 5, the political ideologies of liberalism, conservatism, and democratic socialism (and variations of each of these classic ideologies) have influenced the way Canadians think about government and politics and the policies governments should adopt. In recent decades, the perspectives of feminism and environmentalism have also influenced politics in Canada. To some extent, the politically relevant values and beliefs that people hold relate to their position in society and the economy. It is not surprising, for example, that workers are more likely to favour a stronger role for government in providing various social benefits, while business managers and entrepreneurs generally are more likely to favour a smaller role for government in regulating the economy. Nevertheless, political ideas are not simply a product of interests. For example, some workers have the same free market perspective as corporate executives, and a few multimillionaires favour higher taxes for the rich.

Different religious perspectives also have a substantial effect on political views. The majority of Canadians tend to view laws and public policies as separate from religious doctrine. Nevertheless, religious beliefs affect the way many people think about political issues. For example, the social gospel (associated with the Methodists and other religious groups in the late nineteenth and early twentieth centuries) promoted the idea of

social justice and advocated for various policies to aid the disadvantaged. Although the social gospel movement faded away many decades ago, it helped to lay the foundation for the acceptance of a variety of social policies and the continued engagement of many religious groups in the pursuit of social justice at home and abroad.

Identities

An individual's identity refers to that person's perception of his or her characteristics and sense of belonging to a particular group, culture, or political community.

Many of those who voted for Quebec sovereignty in the 1995 referendum had a strong sense of Québécois identity. This typically included a strong attachment to, and identification with, the language and culture of French Quebec as well as sharing the common ethnicity (ancestry) as the majority of Quebecers. Similarly, the identity of Indigenous peoples as members of a First Nation, Métis Nation, or Inuit group has stimulated their struggle for recognition of their right to self-government and self-determination.

Identities are based not only on ethnicity and culture but also on geography and history. Many Canadians have a strong sense of provincial identity (and, in some cases, an identity from an area within a province, such as Cape Breton) based on a sense of place and, to varying extents, cultural and ethnic differences. This is often combined with a sense that their province has not been well treated by the policies of the Canadian government and a feeling that their province or region has been dominated or ignored by other parts of the country. In addition, many Canadians have a sense of identification with their religion, social class, gender, and country of birth or ancestry as well as being proud to be Canadian.

Identities do not necessarily determine one's beliefs and political actions. For example, many people with a Roman Catholic identity do not agree with their church's positions on contraception, abortion, or euthanasia. Neither will they necessarily prefer to vote for a Catholic candidate in an election. Furthermore, most Canadians have multiple identities, including both a provincial and a Canadian sense of identification, as well as an identification with one or more ethnic groups. In addition, the nature and relevance of different identities can change over time. For example, in the past many people of French ancestry in Quebec identified themselves primarily as Catholic French-Canadians. This has changed to a Québécois identity, with language replacing religion as the major basis of identification for many Quebecers. The significance of Indigenous identities has increased in recent years, with many Canadians now taking pride in their ancestry, whether or not they are recognized members of an Indigenous group.

Identity politics has become increasingly important. Groups that view themselves as oppressed by government or by dominant groups in society have sought recognition of their distinctiveness. As well, they have sought changes in society and government policy to overcome the injustices they face. Among the groups involved in identity politics in Canada are women; those with a gay, lesbian or bisexual sexual orientation, or a transgender identity; Indigenous peoples; and various racial and ethnic minorities. Identity politics tends to differ from interest politics in its focus on culture, respect, and group equality.

As discussed in Chapter 3, the importance of Canadian diversity is particularly evident when we examine national identity. People often use the term "nation" to refer to the country and its citizens as a whole (as, for example, "national government," "national flag," and "national anthem"). However, a nation can also be thought of as a group of people who have a strong sense of common identity based on some shared characteristics and history and a belief that they should be self-governing within their homeland (Sunny, 2006). Although the majority of people living in Canada view Canada as their nation, this is not the case for many Quebecers and Indigenous peoples. Those who identify themselves primarily as Québécois or as a member of a particular First Nation may think of Canadian democracy more in terms of equality between nations and the right to govern their own nation than in terms of equality among all individual Canadian citizens.

Institutions

A variety of political institutions (such as political parties, interest groups, and the media) affect the ways in which people are mobilized to try to exert influence on those in governing positions. Political parties have very gradually become somewhat more democratic in their organizational structure (particularly in their processes for leadership selection) and in the diverse characteristics of their members. (See Chapter 8.) In recent decades, there has been a proliferation of groups that promote the interests and causes of large numbers of citizens. For example, many groups have been established to promote environmental protection, civil rights, the equality of women, and gay and lesbian rights. These and many other politically active groups have helped to move Canada in a more democratic direction and brought greater political attention to the diversity of the country and the problems faced by various segments of society. (See Chapter 7.)

A wide variety of governing institutions are involved in making and implementing policies and laws. For example, as will be discussed in Chapter 12, Canada's federal system divides and shares power between the Canadian and provincial governments, which has a major effect on what governments do. Reaching agreement among these governments, which often have different interests and perspectives, has often proven difficult. Furthermore, laws passed by Parliament and provincial legislatures as well as actions taken by the executive (prime minister or premier and their cabinets) can be invalidated by the courts if deemed to be in violation of the Constitution. For example, Canada's abortion law was struck down by the Supreme Court of Canada as it was deemed to be a violation of the constitutional Charter of Rights and Freedoms. (See Chapter 10.) In addition, there are a variety of agencies (e.g., the Bank of Canada, the Canadian Radio-Television and Telecommunications Commission, and the RCMP) that have been established by government but operate with a considerable degree of independence. Even within the governmental organizations that are directly controlled by the prime minister and cabinet, there are often different goals pursued by different departments. (See Chapter 15.)

Thus, different institutions, each with its own history, goals, values, interests, and operating procedures, are involved in the processes of raising issues, mobilizing the public, and making and implementing governing decisions. In turn, these institutions will often attempt to influence the public. Although institutions tend to be long-lasting, the desire of many Canadians for greater democracy and the challenges posed by Canada's diversity have affected, to varying degrees, the development and evolution of Canada's political and governmental institutions.

External Influences

Finally, we cannot understand Canadian politics and government simply by examining what goes on within Canada, as this country and its people have always been strongly influenced by external forces and cultures. Canada developed from a colony to a sovereign country over a lengthy period of time, and its governing institutions continue, in many respects, to reflect their British heritage, modified by the adoption of a federal system. Canada's geographical closeness and economic and cultural ties to the United States have great importance for Canadian politics and government. As well, a large and growing number of international organizations, treaties, and laws influence how Canadian governments act. For example, the free trade agreements that Canada has with the United States and Mexico, the European Union, and countries in the Asia-Pacific region (discussed in Chapter 4) have major implications for Canada's economic policies, as does Canada's participation in the global economic system. Membership in the North Atlantic Treaty Organization (NATO) affected Canada's decision to participate in military actions in Yugoslavia, Afghanistan, and Libya. (See Chapter 17.)

Summary and Conclusion

Politics involves controversy and conflict because of the different interests, ideas, and identities that exist within any political community. Controversy and conflict also result from the competition to exercise political power. The distribution of power is important in determining what decisions are made.

The Canadian political system can be classified as basically a liberal representative democracy. Voters elect representatives to make decisions on their behalf, and people are free to express their concerns, organize for political action, and try to influence the decisions of government. Clearly, each Canadian citizen has some potential political power through the ability to cast a vote in elections. Yet, questions arise as to whether some powerful groups are in a strong position to influence government for their own advantage. Some people favour a fuller realization of the democratic ideal of rule by the people through greater involvement by all members of the public in political debate and decision making, as well as through greater social and economic equality.

Canadian politics is strongly affected by the diversity of the country, particularly the different ethnic, cultural, and linguistic communities and the distinctive provincial societies. This diversity has meant that many Canadians

do not have an overriding or exclusive Canadian political identity. Treating all Canadians similarly, as equal citizens, is but one perspective in Canada; controversy has arisen over whether distinctive groups or distinctive provinces should enjoy different statuses, powers, and laws to protect and develop their own identities and cultures.

Good government requires governing institutions and policy-making processes that are directed to achieving the public interest of the political community. Ensuring that governments are accountable for their actions, transparent, and responsive to the needs and aspirations of all people by facilitating public participation is important in trying to achieve good government.

The policies and actions of governments are a product of a complex set of factors. The conflicting interests of different elements of society—the different ideas, perspectives, and identities that people have; the workings and interactions of a variety of political and governmental institutions; and external influences on Canada—are all significant. Of particular importance is the distribution of power and how effectively those with greater potential power use it to achieve particular objectives.

Discussion Questions

1. How should decisions be made about controversial issues such as hydraulic fracturing (“fracking”) or the expansion of pipelines in environmentally sensitive areas?
2. Should a province have the right to secede from Canada if a majority of its population votes in favour of secession?
3. Do you think that political power is widely dispersed or highly concentrated in Canada?
4. Should the Canadian government try to promote a common set of values and a common national identity?
5. Should Canada move in the direction of greater democracy? If so, how might this be achieved?

Chapter 2

Canada's Political Development and Challenges



Library and Archives Canada

Delegates from the legislatures of Canada, New Brunswick, Nova Scotia, and Prince Edward Island pose for a photo during the September 1864 convention in Charlottetown at which it was agreed to consider the union of the British North American colonies.



Learning Objectives

After reading this chapter, you should be able to

- 2.1** Identify the founding peoples of Canada.
- 2.2a** Explain the key political events in Canada prior to Confederation.
- 2.2b** Discuss the meaning and significance of responsible government.
- 2.3a** Explain the significance of the National Policy.
- 2.3b** Examine the major concerns of Canada's regions and provinces.
- 2.4** Understand the origins and development of Quebec Nationalism.
- 2.5** Discuss the issues and problems that women, farmers, and workers have faced.

On July 1, 1867, many flags were flown at half-mast in Nova Scotia. Buildings were draped in black crepe. Premier Charles Tupper was burned in effigy alongside a rat. A newspaper described "young and fair Nova Scotia" being forced into an "unhappy union" by "an old, crabbed and almost bankrupt" Canadian suitor, while her numerous friends "intend shortly to take prompt and decided steps to procure a divorce" (quoted in "Married," 1867/2005).

Although most Ontarians greeted the formation of Canada in 1867 with enthusiasm, this was not the case in other parts of the new country, particularly in Nova Scotia and New Brunswick. The Nova Scotia government agreed to join Canada against the wishes of the majority of its population. In the first Canadian election, the Anti-Confederates, advocating seceding from Canada, won 18 of Nova Scotia's 19 seats in the Canadian Parliament. Likewise, in November 1867, Anti-Confederates won 36 of the 38 seats in the Nova Scotia legislature. Thirty-one thousand Nova Scotians signed a petition in favour of separation (almost as many as voted in the 1867 election), and in 1868 the Nova Scotia legislature passed a motion to secede from Canada. The British government refused to accept this request. Bowing to the inevitable, Joseph Howe, leader of the Anti-Confederates, accepted a position in the Canadian cabinet after having been given a promise of "better terms" for Nova Scotia by Sir John A. Macdonald, Canada's first prime minister.

In neighbouring New Brunswick, there was also considerable opposition to Confederation. In 1865, the government of Samuel Tilley, which supported joining Canada, was defeated by the Anti-Confederates, who claimed that Tilley had sold the province for 80 cents a person—the custom revenues the province would receive for joining Canada (Morton, 2006). Nevertheless, the British government was determined to persuade New Brunswick to join Canada.

The British-appointed governor forced an election in 1866 to oust Premier Albert J. Smith, who opposed the terms of Confederation, and Tilley's pro-Confederation party was returned to power. A raid on New Brunswick by the Fenians (Irish Americans opposed to British rule in Ireland) helped to convince many New Brunswickers that union with Canada was necessary for their security, as the British government claimed that it was unwilling to continue to provide military protection indefinitely (Conrad & Finkel, 2007).

In Quebec, there was also significant opposition to Confederation. However, the defeat of the Rebellion of 1837–1838 in Quebec resulted in political apathy and passivity among much of the population. With the powerful Catholic Church preaching that legitimate authority had to be obeyed, the Conservative Bleus, who supported Confederation, beat the Anti-Confederate Rouges in elections from 1854 until the formation of a united Canada in 1867, when the Bleus became part of the Conservative party. Nevertheless, except among the English-speaking business community in Montreal, there was not much enthusiasm for the new country.

Now a country of more than 35 million people, Canada had a precarious start in 1867. Nevertheless, Canada has successfully developed a stable and peaceful political system. Of course, survival over more than 150 years does not necessarily guarantee a smooth path for the future. Indeed, some of the tensions that Canada struggled with in the past are reflected in the political challenges of the present. Of particular importance is the situation of Indigenous peoples, who were ignored in the discussion of Confederation and mistreated in the development of Canada.

Chapter Introduction

The history of Canada began with the Indigenous peoples who came to what is now Canada long before the discovery of Canada by European explorers. What is now Canada was populated by a wide variety of Indigenous tribes and communities. The history of Indigenous peoples and the broken treaty promises are important in understanding the current efforts to achieve reconciliation of Indigenous peoples with Canadian governments and the non-Indigenous population.

The relationships between the British and French settlers and the wars between Britain and France in what is now Canada are also important aspects of Canadian history. In addition, the ability of British soldiers, Canadian militias, and First Nations warriors to resist an American invasion in 1812–1814 established that Canada would not become a part of the United States. The joining of Upper Canada (Ontario) and Lower Canada (Quebec) in 1840 led to the formation of Canada in 1867, which included Nova Scotia and New Brunswick. Subsequently, Canada gradually became an independent country from sea to sea, as British Columbia, Manitoba, Saskatchewan, Alberta, and Newfoundland and Labrador at different times became self-governing provinces. The three northern territories have also obtained a degree of self-government.

The expansion of Canada that began in 1867 fundamentally changed the country's characteristics and politics. Westerners and Atlantic Canadians have often been critical of what they see as the domination of Canada by Ontario and Quebec. Movements of farmers, workers, and women have challenged the major political parties, government policies, and traditional attitudes.

Indigenous Peoples and European Settlers

2.1 Identify the founding peoples of Canada.

Canada was first settled more than 10 000 years ago by the ancestors of contemporary First Nations (misleadingly called “Indians” by European explorers) who probably crossed from Siberia and settled throughout Canada. They developed a variety of languages and cultures. While some had hunter-gatherer economies, others established settled communities based on agriculture and fishing. A variety of governing systems and laws were developed prior to European settlement. About 1000 years ago the Inuit began to settle in what are now the Northwest Territories, Nunavut, Northern Quebec, and Northern Labrador.

European Settlement

European settlement began in the seventeenth century. The colony of New France developed along the St. Lawrence River, and the smaller French colony of Acadia was established in 1604 in what are now the Maritime provinces. Britain set up colonies in what is now the Atlantic region of the United States. There were also small British and French colonies in Newfoundland. The Hudson’s Bay Company was granted a British royal charter in 1670, providing the company with private ownership of the vast territory known as Rupert’s Land, where Indigenous people became involved in the profitable fur trade. Early relations between Indigenous peoples and European colonizers were at times cordial, with Indigenous peoples providing knowledge that helped the first European settlers survive in the harsh climate. Many French males were involved in the fur trade and spent part of their time living in Indigenous communities. This resulted in a substantial population of people of mixed First Nations and European (primarily French) ancestry who identify as Métis.

In addition to the fur trade, many of the early French settlers engaged in farming. Along the St. Lawrence River, the habitants, independent landowners, worked the land, providing food for their usually large families while paying rent and interest to the seigneur that had sold them the land.

Britain and France vied for control over Canada. In 1710, the British army conquered Port Royal (now known as Annapolis Royal in Nova Scotia). By the Treaty of Utrecht (1713), France ceded control of mainland Nova Scotia, Newfoundland, and lands surrounding Hudson Bay to Great Britain. Subsequently, there were a number of wars and conflicts throughout the Maritimes as Britain sought to gain control of the region. The majority of French Acadians and their Mi’kmaq allies resisted British rule. During the French and Indian War (1754–1763), a large majority of the French-speaking Acadians were expelled from the region. As part of the global Seven Years War between Britain and France (1756–1763), the British army captured Quebec City, the capital of New France, in the Battle of the Plains of Abraham in 1759. By the Treaty of Paris (1763), New France and Acadia were ceded to Britain.¹

British Rule

Royal Proclamation, 1763
Established British rule over the former French colonies and placed “Indians” under the protection of the British Crown.

The **Royal Proclamation, 1763**, established British rule over the former French colonies. It placed “Indians” under the protection of the British Crown, stated that they were to be left undisturbed, established their exclusive hunting rights over

¹ France retained the islands of St. Pierre and Miquelon off the south coast of Newfoundland and, until 1904, had fishing rights along the “French Shore” of Newfoundland.

a vast territory, and provided that their lands could not be sold without the approval of authorized representatives of the monarch. The Royal Proclamation is often cited as providing recognition of Indigenous rights, including the ownership of lands they inhabited. However, its protection of Indigenous peoples from the inroads of settlers was often not enforced by the colonial governments (Dickason, 2009). Nevertheless, the Charter of Rights and Freedoms in Section 25 of Canada's Constitution Act, 1982, recognized the rights and freedoms established by the Royal Proclamation, 1763 (as well as those later acquired by land claims agreements).

Britain hoped that settlers from the American colonies and from Britain would turn Quebec into a colony composed largely of people of British ancestry. However, Quebec remained primarily French-speaking and Catholic, with the exception of several hundred American merchants who followed in the wake of the British conquest. Thus, although the British legal system was introduced, in practice the British governors recognized the need to be conciliatory to the leaders of the French-speaking Catholic population and left most laws and practices from the French regime intact. The **Quebec Act, 1774**, passed by the British Parliament, formalized this arrangement with guarantees that Catholics would be able to freely practise their religion, the privileges of the Catholic Church would be maintained, and the French system of civil (private) law would be used alongside British criminal law.

An Influx of Immigrants

Support in Quebec and the other northern colonies for the American War of Independence (1775–1783) was limited, and an American invasion of Quebec in 1775–1776 was eventually repulsed by the British army. The success of the American revolutionaries in gaining independence from Britain resulted in many Americans who had remained loyal to the British Crown. These **Loyalists**, who had fought in the British army, and First Nations, who had fought against the Americans, sought refuge in the British North American colonies. The British authorities provided land and subsidies for the Loyalists and former soldiers to settle in the colonies of Nova Scotia (particularly in the area that later became New Brunswick) and Quebec (including what is now southern and eastern Ontario).

The newcomers to British North America not only added significantly to the small population of the colonies but also brought a somewhat greater diversity. Among the Loyalists and former soldiers were significant numbers of Scots, Germans, and people of other nationalities. Many of the new settlers came from a variety of Protestant groups. As well, a sizable number of Black Americans settled in Nova Scotia, although discriminatory treatment by that colony soon resulted in about one-half of this group leaving for Sierra Leone. In addition, the Iroquois and some other First Nations that had fought against the Americans were resettled in what is now southern Ontario. The settlement of refugees from the United States was followed in subsequent decades by other Americans, some of whom were Loyalists. Other Americans simply sought to take advantage of the available land in British North America even though much of the land in what is now southern Ontario had been set aside for First Nations.

New settlers (although not very numerous until the nineteenth century) brought important changes in the politics of the British North American colonies. In response to Loyalist demands, New Brunswick was separated from Nova Scotia in 1784. The settlement of a large number of English speakers created problems for the colony of Quebec. In particular, the settlers expected to be governed by British laws and to have an elected representative assembly as had been established in the other British North American colonies (except Newfoundland, which did not have an assembly until 1832). To some

Quebec Act, 1774

An act of the British Parliament that guaranteed that Catholics would be able to freely practise their religion, the privileges of the Catholic Church would be maintained, and the French system of civil (private) law would be used alongside British criminal law.

Loyalists

Americans who remained loyal to the British Crown at the time of the War of Independence. Subsequently, many Loyalists migrated to the British North American colonies.

Constitutional Act, 1791

An act that divided Quebec into two separate colonies: Upper Canada and Lower Canada.

extent this was resolved when the British Parliament passed the **Constitutional Act, 1791**, dividing Quebec into two small colonies: Upper Canada (the forerunner of Ontario) and Lower Canada (Quebec), with each having its own elected representative assembly.

Beginning in the nineteenth century there was a very sizable increase in number of new settlers in Canada. For example, from 1815–1850 over 800 000 people immigrated to Canada from the British Isles (including Ireland, where the great potato famine led to widespread starvation). An influx of English-speaking settlers from the United States (particularly the Loyalists) in the late eighteenth century increased the English-speaking population in the western part of Quebec. This led to the division of Quebec into Upper and Lower Canada, which were reunited in 1840. However, they became the separate provinces of Ontario and Quebec (along with Nova Scotia, New Brunswick) in 1867.

Canada's first census, in 1871, found nearly 3.7 million people living in the large country.² The 1871 census also listed 36 tribes with a total population of 102 358. To what extent this reflected the actual number of Indigenous peoples is not known (Statistics Canada 1871 census n.d.).

The Dominion Lands Act, 1872, granted basically free land for farming to individuals who were at least 21 years old. The Canadian government particularly encouraged people from the United Kingdom, the United States, and Scandinavia to settle in Canada. The building of the transcontinental Canadian Pacific Railway (completed in 1885) facilitated the immigration of large numbers of Europeans to settle in the Prairies. To open up the Prairies to immigrants, the Métis were offered scrip (money or land) to leave their traditional lands. As in the practices of pre-Confederation Canada, First Nations were moved to “reserves” with the claim that they could support themselves by learning to farm. However, the reserves (established by the Canadian government by the Numbered Treaties in western Canada, Ontario, and the Northwest Territories from 1871–1921) were small and generally not suitable for farming. Further, they often had no connection to the traditional territories of Indigenous groups. This often made it very difficult to continue the hunting, gathering, and fishing that had been their means to support themselves.

Many labourers from China involved in building the national railway to British Columbia settled in that province. Japanese settlers also came to British Columbia in the late nineteenth and early twentieth centuries, although a strict quota limited their numbers. It was only after the end of World War II that the Canadian government began to substantially open up immigration from southern Europe and, later, other parts of the world. This has made Canada a truly multicultural country.

The Development of Government in Canada

2.2a Explain the key political events in Canada prior to Confederation.

2.2b Discuss the meaning and significance of responsible government.

Despite having assemblies elected by property owners (beginning first in Nova Scotia in 1758), the British North American colonies were far from democratic. The British governors of the colonies were expected to follow the orders of the British government. In turn, each governor appointed powerful local elites as members of the Legislative Council (which had the right to reject any legislation proposed by the elected Assembly), and the Executive Council (which was responsible for administration).

² Statistics Canada: www.statcan.gc.ca/pub/98-187-x/4064809-eng.htm and www150.statcan.gc.ca/n1/pub/98-187-x/4151278-eng.htm#part2

Demands for Democratic Reforms

Democratic reform movements developed to challenge the powers of the elites that dominated the colonies. In particular, the Parti Patriote, led by Louis-Joseph Papineau, challenged the control of Lower Canada (Quebec) by the British governor and his advisers. The demands of the Patriotes for political reform, including the establishment of **responsible government** in which the executive is responsible to an elected representative legislature, were rejected by the British government. In Upper Canada (Ontario), William Lyon Mackenzie was critical of the elites known as the Family Compact, who controlled the colony. In 1837, the Patriotes led a rebellion in Lower Canada that was quashed in 1838. Mackenzie led a rebellion in Upper Canada in 1837, but it lacked broad support, and was quickly suppressed.

The Durham Report

As a result of the rebellions, the British government sent Lord Durham to investigate the causes of the conflicts in the Canadian colonies. To end “the deadly animosity that now separates the inhabitants of Lower Canada into the hostile divisions of French and English,” he recommended that Upper and Lower Canada be reunited (quoted in Bumsted, 2003, p. 349). This, he hoped, would lead to the gradual assimilation of the French-speaking population and their acceptance of “superior” English values. In addition, the **Durham Report, 1839** (*Report on the Affairs of British North America*) recommended that responsible government be adopted.

Based on Durham’s recommendations, the British Parliament passed the **Act of Union, 1840**, creating the United Province of Canada. Each of the two parts, called “Canada East” (Quebec) and “Canada West” (Ontario), was awarded equal representation in the Province of Canada’s elected Legislative Assembly (despite the larger population of Canada East at the time). English was made the language of the Assembly, although later the right to use French in the Assembly was added. This recognition of two official languages was a significant feature in the subsequent Confederation agreement.

With Canada East and Canada West each electing half of the Assembly, power was shared between the English- and the French-speaking politicians. Joint leaders, an English-speaking politician from Canada West and a French-speaking politician from Canada East, governed the colony. As well, although Canada East and Canada West had no separate governing structures, ministers from each part were responsible for matters within their part of Canada. Canada East and Canada West continued to have different legal and educational systems. Further, the practice developed that laws were expected to be passed by a “double majority”—that is, by majorities of representatives in each of the two regions. Thus, the governance of the Union reflected, to a considerable extent, the distinctiveness of its two components.

Durham’s recommendation concerning responsible government did not come into effect with the Act of Union. The subsequent British governors general were not prepared to surrender their power. They rejected some bills (proposed legislation) passed by the Legislative Assembly, interfered in elections to the Assembly, and decided who should be appointed to the Executive Council. The Reformers in the Assembly pressed for responsible government which was accepted in the Province of Canada (Canada East and Canada West) in 1848. (See Box 2-1: The Struggle for Responsible Government in Canada.) As well, responsible government was established in Nova Scotia (1848), Prince Edward Island (1851), New Brunswick (1854), and Newfoundland (1855 but suspended from 1934 until joining Canada in 1949).

The shared governing of the Province of Canada had a number of successes, including involvement in negotiating a partial free trade treaty with the United States (Reciprocity Treaty, 1854), reform of the school system in Canada West, modernization

Responsible Government

A governing system in which the executive is responsible to an elected, representative legislative body and must retain its support to remain in office.

Durham Report, 1839

A report by the British governor Lord Durham that recommended the union of Upper and Lower Canada and the adoption of responsible government.

Act of Union, 1840

An act that united Upper and Lower Canada, creating the United Province of Canada.

Box 2-1 The Struggle for Responsible Government in Canada

Governor General Lord Elgin is often associated with the adoption of responsible government in Canada. In 1848, Lord Elgin, on instructions from the British government, appointed a cabinet nominated by the majority grouping of Reformers in the Legislative Assembly, which was led by Robert Baldwin and Sir Louis-Hippolyte Lafontaine. Both men were key advocates of responsible government.

In 1849 the principle of responsible government was tested, and then confirmed, when Lord Elgin did not veto the highly controversial Rebellion Losses Bill that had been passed by the Legislative Assembly and the Legislative Council. The objective of the bill was to compensate those individuals, including most of the rebels, who had suffered property losses in the 1837–1838 Rebellion in Lower Canada. The “Tories” (conservatives), supported by many prominent members of the English-speaking community in Lower Canada, demanded that Lord Elgin refuse to give royal assent. Although Lord Elgin had his misgivings about

the bill, he did not yield to their demands; royal assent was granted.

Infuriated by the decision, a crowd of English Montrealers pelted Lord Elgin's carriage with rotten eggs and burned down the Parliament buildings in Montreal. Some English Montreal merchants, already dismayed by the lack of a free trade agreement with the United States, circulated a petition demanding the annexation of Lower Canada to the United States. They found some support among radical French-Canadians who believed they, too, would be better treated by their neighbour to the south (Gillmor & Turgeon, 2000).

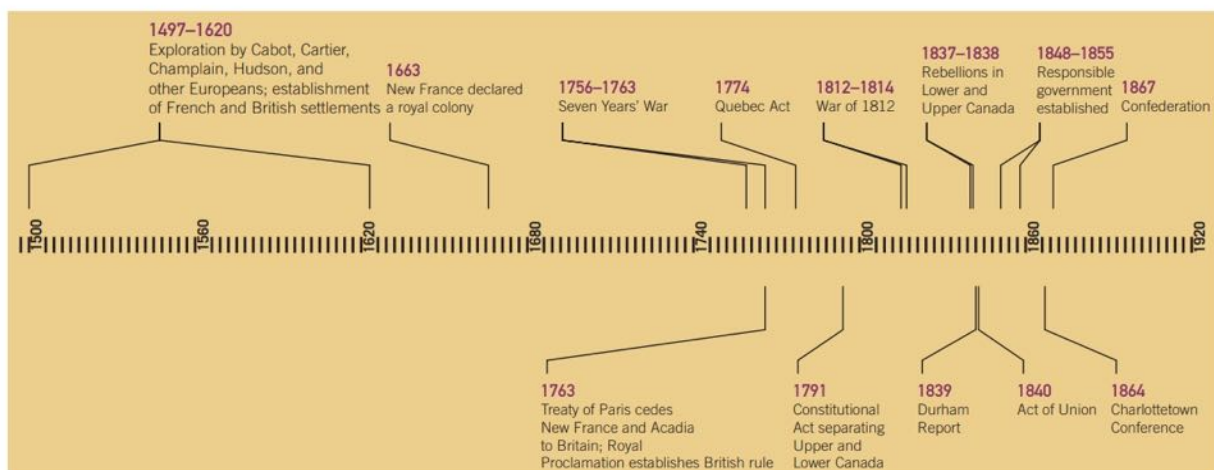
After the burning of the Montreal Parliament buildings, later sessions of the Legislative Assembly were held in Toronto and Quebec City. The final session in 1866 was held in Ottawa, which became new capital of Canada in 1867. Despite the controversy over the Rebellion Losses Bill, the principle of responsible government became the cornerstone of the governing system in Canada.

of the land tenure system in Canada East, and the building of a railway system. Less satisfactorily, the shifting coalitions of political factions meant frequent changes of government, and the need for a “double majority” often led to a stalemate that made legislative decisions difficult to achieve.

Differences between Canada West and Canada East were heightened as the population of Canada West surpassed that of Canada East. The Clear Grits, a radical reform movement in Canada West, demanded representation by population rather than the equal representation of Canada West and East. In addition, reflecting their evangelical Protestant beliefs, the Clear Grits favoured the separation of church and state and opposed the privileges granted to the Anglican Church. Further, they tended to express negative views about French-Canadians (Bumsted, 2003).

Figure 2-1 shows a timeline depicting some of the important events in Canada's political history before Confederation.

Figure 2-1 Timeline: Key Historical Events to 1867



Confederation

The political problems of governing the Province of Canada encouraged some people, particularly in Canada West, to look to a larger union. The uniting of the British North American colonies was also seen as economically advantageous, as it would create a larger domestic market by financing a railway link between the Maritimes and central Canada. This became particularly important in 1866, when the United States, a key market for Canadian exports, cancelled the Reciprocity Treaty that had allowed unprocessed goods to trade freely without customs duties between British North America and the United States.

A larger union was also seen as facilitating the opening up of the West to settlement. Security concerns were also significant, as some people worried that the large army mobilized in the American Civil War would be turned against Canada. Threats also came from the Fenians, an Irish–American group that conducted raids on the colonies as part of their nationalist campaign to free Ireland from British rule. A union of the British North American colonies was seen as a way to allow the colonies to better defend themselves against potential American invasion and the expansionist ideas of Americans.

The idea of uniting the British North American colonies had been talked about for a long time and was supported by the British government. However, it took a proposal by George Brown, leader of the Reformers, to get the process under way. Brown suggested forming a “Grand Coalition” with the Conservatives, led by John A. Macdonald, and the Bleus, the major political grouping in Canada East, led by George-Étienne Cartier. From the start, the politicians put forward different models for the union. Macdonald preferred a legislative union (i.e., a single legislature) rather than a federal union (one in which each province would have its own legislature in addition to the Canadian Parliament). In Macdonald’s view, the American federal system had failed because each state had sovereign powers. However, Macdonald realized that a legislative union would not gain the support of Quebec and the Maritime colonies, and thus he looked to the establishment of a strong Parliament having all of the major legislative powers needed to develop a great nation, while provincial legislatures dealt with local matters (LaSelva, 1996). His ally, Cartier, had a somewhat different view. He believed that maintaining ethnic and religious diversity would benefit the new country. Canadians would create a “political nationality,” rather than one based on a particular ancestry or religion. A federal system in which provincial governments had substantial powers, along with protection for minority rights, was, in Cartier’s view, essential for the formation of Canada (LaSelva, 2009).

In September 1864, delegates from Canada attended a conference of Maritime leaders who had planned to discuss uniting the Maritime colonies. The Canadian delegation was able to convince the Maritime leaders at this **Charlottetown Conference (1864)** to put aside the idea of a Maritime union in favour of discussing a broader union of all the British North American colonies. A month later at a closed-door conference in Quebec City, 72 resolutions were adopted “to establish a federal union under the Crown of Great Britain, provided such union can be effected on principles just to the several provinces” (quoted in McNaught, 1969). The delegations from Prince Edward Island and Newfoundland, however, did not think that the terms of union provided them with sufficient benefits. After further discussion in London, England (1866), by delegates from Canada, Nova Scotia, and New Brunswick, the British Parliament passed the **British North America Act, 1867**, based on the resolutions of the colonial leaders. This established what was then called the Dominion of Canada. (See Figure 2-2).

Charlottetown Conference, 1864

A meeting of the leaders of Canada and the Maritimes at which it was decided to hold further discussions about uniting the British North American colonies.

British North America Act, 1867

An act of the Parliament of the United Kingdom establishing the Dominion of Canada. In 1982, it was renamed the Constitution Act, 1867.

Figure 2-2 Canada in 1867

New Brunswick, Nova Scotia, and Canada are united in a federal state, the Dominion of Canada, by the British North America Act (July 1, 1867). The Province of Canada is divided into Ontario and Quebec. The United States of America proclaims the purchase of Alaska from Russia (June 20).



SOURCE: Territorial Evolution of Canada, 1867. *Atlas of Canada, Map Archives History, 1639 to 1949 Territorial Evolution of Canada (1667 to 1949)*. © Department of Natural Resources Canada. All rights reserved. http://atlas.nrcan.gc.ca/site/english/maps/archives/historical/mcr_2306

Opposition to Confederation

The union of the British North American colonies did not enjoy widespread popularity. As discussed in the opening vignette of this chapter, the majority of the public in Nova Scotia opposed the union, and considerable opposition surfaced among French Quebecers as well. For Maritimers, the fear was domination by Canada, meaning Ontario and Quebec, and loss of their own identities. For French Quebecers, the worry was that their culture, language, and religion would be threatened by their minority status in the newly expanded Canada. As for Canada's first inhabitants, the Indigenous peoples of British North America were neither consulted nor considered in the establishment of the new country.

The British North America Act, 1867

The British North America Act, 1867, passed by the Parliament of the United Kingdom, was based on resolutions drafted by the leaders of the provinces of Ontario, Quebec, Nova Scotia, and New Brunswick. It provided the new country of Canada with a formal constitution that is now officially known as the Constitution Act, 1867. (See Chapter 10 for a more detailed discussion.)

Of particular importance in the British North America Act (BNA Act) was the adoption of a federal system of government that divides legislative powers between the Canadian Parliament and the provincial legislatures. This created a fundamental difference from the United Kingdom's unitary system in which Parliament is the supreme legislative body. By adopting the BNA Act, Canada also differed from the United Kingdom in having a formal written constitution.

Among the key features of the BNA Act was the establishment of the Canadian Parliament, consisting of the House of Commons and the Senate, and the protection of Quebec's system of civil law rather than the common law system of the other provinces. The BNA Act also specified that legislation regarding "Indians and their lands" was the responsibility of the Canadian government. However, the BNA Act was silent on the rights of Indigenous peoples.

Expanding Canada From Coast to Coast to Coast

At the time of Confederation, Canada and the four provinces controlled only a small proportion of the Canada we know today. The United States was expanding its territory to the West, creating new American states, including four new states on the Canadian border. As well, the United States bought Alaska from Russia in 1867. In response to American expansionism, the Canadian government negotiated an agreement to purchase the huge areas of Rupert's Land (the large Hudson Bay drainage area) and the Northwestern Territory from the Hudson's Bay Company.³ In 1905, Alberta and Saskatchewan were carved out of the Territories, and in 1912 Manitoba had its northern border extended to the 60th parallel.

The mainly Métis residents of the Red River settlement (in what is now southern Manitoba) were not consulted about the Canadian government's plans for the area, and they feared they could lose their culture and lands. Led by Louis Riel, rebels blocked the lieutenant-governor's entrance to the Red River settlement from November 1869 until August 1870, when an expeditionary force arrived at the Red River settlement. (See Box 2-2: The Métis Rise Up: Louis Riel and Rebellions in the Territories.)

In 1871, British Columbia (which had been created by a merger of the colonies of Vancouver Island and British Columbia in 1866) became a Canadian province. Opposition in British Columbia to joining Canada was overcome when favourable terms were negotiated; these included a large subsidy and the assumption of the impoverished colony's debts, the promise of a railway to link the province with the rest of the country within 15 years (completed in 1885), and the adoption of responsible government for the province. As elsewhere, the Indigenous peoples who formed a large majority of the population at the time were neither considered nor consulted in the negotiations.

Although Charlottetown is often viewed as the birthplace of Confederation, Prince Edward Island refused to join Canada in 1867. However, after building a costly railroad in the colony created an unsupportable debt, the colony decided to join Canada in 1873 in return for the assumption of the debt by Canada, the buyout of British absentee landlords who controlled much of the Island's land, and a commitment to maintain a year-round ferry service to the island.

Newfoundland did not join Canada until 1949. Although acceptable terms for joining Canada were negotiated in 1869, Newfoundland voters decisively defeated their pro-Confederation government that year. During the Great Depression of the 1930s, the government of Newfoundland faced bankruptcy. Based on the recommendation of a royal commission, the Newfoundland legislature agreed to suspend responsible government until self-sufficiency was restored. In 1934, an appointed Commission of Government was formed, with three commissioners from the United Kingdom and three from Newfoundland. In effect, Newfoundland reverted to the status of a British colony.

At the end of World War II, the British government decided that an elected national convention should consider options for the future of Newfoundland, with the people to choose between those options in a referendum. Although the Newfoundland National

³ Part of these vast territories are now known as the Northwest Territories.

Box 2-2 The Métis Rise Up: Louis Riel and Rebellions in the Territories

When the Métis learned that Canada had purchased the Territories from the Hudson's Bay Company and appointed William McDougall, who had notoriously anti-French views, as lieutenant-governor-designate, they feared that they would lose their land and that large-scale immigration would threaten their language, culture, and Catholic religion. The Métis banished McDougall from their Red River settlement and in 1869 formed a provisional government composed of 20 French and 20 English residents, with Louis Riel as its president to negotiate with the Canadian government to gain protection for their rights.

Opponents of the provisional government who threatened to take up arms were arrested, and Thomas Scott, convicted of insubordination, was executed by a Métis firing squad. In 1870, the Canadian government agreed to establish the provincial government of Manitoba, and a military force was sent to Manitoba to enforce Canadian authority. Fearing for his life, Louis Riel fled to the United States, and many Métis moved to what is now Saskatchewan after being denied the lands they had been promised in the Red River area. Although Riel was subsequently elected three times to the Canadian House of Commons, he was prevented by the Canadian government from assuming his seat in Parliament.

Faced with starvation and the destruction of their traditional way of life in the 1870s and early 1880s, Prairie Cree leaders reluctantly agreed to sign treaties with the Canadian government and moved their people to reserves. The Department of Indian Affairs provided little assistance, even after Cree leaders wrote to Prime Minister Macdonald about their desperate situation. Tensions developed as some starving Cree stole cattle from settlers, while others considered protest actions including armed rebellion (Conrad & Finkel, 2007). Those Métis who had moved to Saskatchewan also received little help from the Canadian government and invited Riel to return from the United States to take up their cause. However, Riel's peaceful attempts to persuade the Canadian government to improve the circumstances of people (including white settlers) in the region were unsuccessful.

Riel and his Métis supporters set up a provisional government of Saskatchewan in 1885 which clashed with the Northwest Mounted Police. Cree warriors, upset about broken



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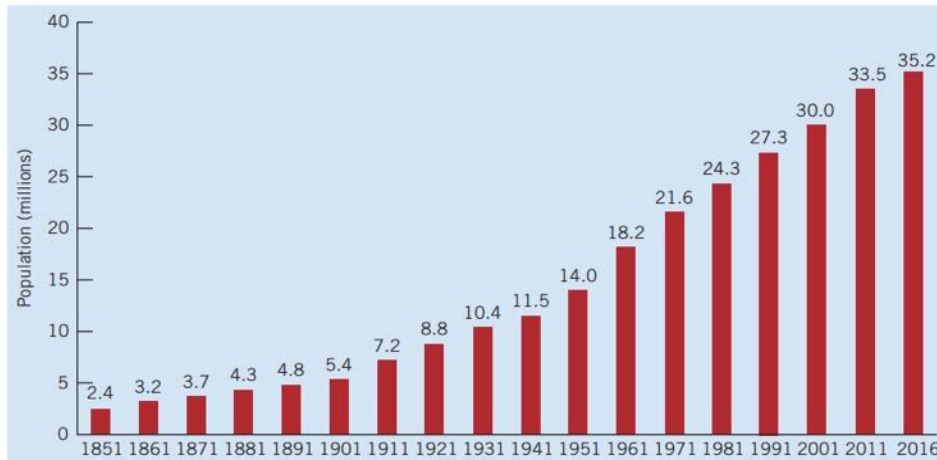
Louis Riel and the members of his provisional government (1869–1870) wished to create a provincial government in southern Manitoba and to gain protection for their rights from the Canadian government.

treaty promises, attacked the community of Frog Lake, killing nine settlers, including the Indian agent. The Canadian government quickly sent a military force over the newly built Canadian Pacific Railway. In the final Battle of Batoche, the Métis were easily defeated by the larger Canadian force. Riel was arrested, and his military leader, Gabriel Dumont, fled to the United States. A few weeks later the Cree were defeated in the Battle of Loon Lake. Eight Cree were hanged. Many others were imprisoned, including Cree leaders Big Bear and Poundmaker, who had opposed the armed uprising.

Riel was tried for treason. Although the jury that convicted him recommended mercy, Riel was sentenced to be hanged. While Quebec Catholics pleaded with the prime minister to spare Riel from the noose, Ontario Protestants demanded his execution. In the end, Prime Minister Macdonald refused to commute the sentence, saying, "He shall hang though every dog in Quebec bark in his favour."

Over time, Riel has come to be seen by many Canadians as a defender of his people rather than a murderous traitor. Manitobans now have a holiday in February to celebrate Louis Riel Day, and there have been attempts to have the Canadian Parliament overturn Riel's conviction. Although Riel was hanged more than a century ago, his defence of minority rights resonates with many Canadians today.

Convention rejected putting confederation with Canada as an option on the ballot, the British government, which favoured confederation, insisted that it be included in the referendum. On June 3, 1948, a return to responsible government (i.e., independence) received 44.6 percent of the vote, confederation with Canada 41.1 percent, and continuation of Commission of Government 14.3 percent. With no option gaining a majority, a second referendum held on July 22, 1948, resulted in 52.3 percent voting for confederation and 47.7 percent for responsible government. Negotiations with the Canadian government on the terms of union (including the assumption of the Newfoundland

Figure 2-3 Population Growth, 1851–2016

SOURCE: Based on Statistics Canada (2018a). Census of population. Population and growth components (1851–2016 Censuses). Retrieved from https://www.statcan.gc.ca/eng/sc/video/census2016_150yearspopulationgrowth

government's debt, subsidies, and the guarantee of steamship service to Nova Scotia) succeeded, and on March 31, 1949, Newfoundland became Canada's tenth province.⁴

The British Arctic Territories (islands in the high Arctic) were ceded to Canada in 1880 and became part of the Northwest Territories. As a result of its growth during the Klondike Gold Rush, the Yukon became a separate territory in 1898. The provinces of Alberta and Saskatchewan were created out of the Northwest Territories in 1905. The territory of Nunavut was separated from the Northwest Territories in 1999, reflecting the wishes of Nunavut's mainly Inuit population.

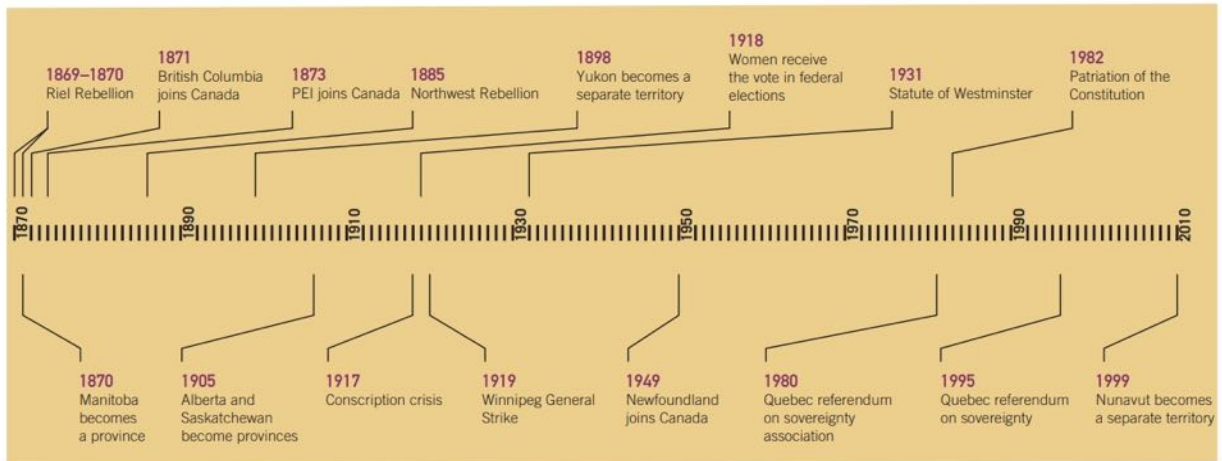
Canada has grown not only in territorial size but also in population. (See Figure 2-3.) Canada's population today is almost ten times larger than in 1867. In the decades after Confederation, more people emigrated from Canada (primarily to the United States) than immigrated to Canada. However, since the beginning of the twentieth century, immigration has substantially exceeded emigration (except during the Great Depression of the 1930s). Indeed, in recent years immigration has contributed to more than one-half of Canada's total population growth.

Political Independence

Canada did not become a completely sovereign (independent, self-governing) country in 1867. The British government retained important controls, including the right to overturn Canadian legislation, extend British laws to Canada, and control Canada's foreign policy. The British government's involvement in Canadian affairs was not always in Canada's interests. For example, in 1903 the British representative on a tribunal to settle the dispute over the boundary between Alaska and British Columbia sided with the Americans, depriving Canada of coastline for northern British Columbia.

The major contribution of Canada to the British effort in World War I and the heavy sacrifices of Canadian soldiers helped to make the case for greater Canadian independence. Canada (along with other British dominions) signed the peace treaties that ended the war, participated in the Paris Peace Conference, and became a member of the League of Nations (the forerunner of the United Nations). In 1926, an Imperial Conference recognized Canada (along with the other dominions) as having complete autonomy and equality in status with the United Kingdom. The governor general was no longer an agent of the British government but became a representative of the Crown on behalf of Canada. The ending of British imperial

⁴ In 2001, the province's name officially changed to Newfoundland and Labrador.

Figure 2-4 Timeline: Key Historical Events after 1867

Statute of Westminster, 1931

An act of the Parliament of the United Kingdom ending British control of Canada.

control of Canada was formalized in the **Statute of Westminster, 1931**, passed by the Parliament of the United Kingdom. However, due to disagreements between the Canadian and provincial governments about the procedures for formal constitutional amendments, the Constitution did not come entirely under Canadian control until 1982. (See Chapter 10.) As well, the Judicial Committee of the Privy Council (consisting of British law lords) continued to be the highest court of appeal for some Canadian cases until 1949.

Although Canada was, in effect, independent from 1926, Canada was slow to adopt the symbolism of a sovereign country because of the continuing strength of many Canadians' emotional ties to Britain. Canadians remained "British subjects" until Canadian citizenship was adopted in 1947. A distinctive Canadian flag was adopted in 1965 only after considerable controversy among those who wanted to retain the Royal Union Flag. In 1967, "O Canada" replaced "God Save the Queen" as the national anthem (although it was not officially recognized until 1980). And Canada continues to use the British monarch as the formal symbolic head of state. Figure 2-4 shows a timeline of key Canadian historic events since Confederation in 1867.

Regionalism and Provincialism

2.3a Explain the significance of the National Policy.

2.3b Examine the major concerns of Canada's regions and provinces.

Prime Minister William Lyon Mackenzie King once said that "if some countries have too much history, we have too much geography." Given the vastness of Canada, the uneven dispersal of the population, the different economic activities of different regions, and the diverse characteristics, cultures, and identities of people that have settled in different areas, it is not surprising that regional and provincial differences have always been an important feature of Canadian politics. In addition, people in many provinces have often felt that the Canadian government has not treated their province fairly. Thus, at various times, provincial governments have challenged the centralized vision of Canada.

Discussing Canadian politics in terms of regions can be misleading. Each province and territory has distinctive characteristics such as its history, culture, economy, development, and geography. Nevertheless, a degree of cooperation and a sense of having common interests have developed, to some extent, among the provinces.

The Maritimes

The Maritime provinces did not fully share in the growth of the Canadian economy after Confederation. The shift from cross-Atlantic trade with Britain to north-south trade with the United States placed the Maritime provinces on the periphery of the country. Further, the sale of many leading Maritime businesses to central Canadians reduced Maritimers' control of their own economies and contributed to the out-migration of skilled personnel. As well, the development and expansion of Ontario and Quebec and the rapid growth of the West reduced the political influence of the Maritime provinces.

As noted in the introductory vignette, the new Dominion of Canada faced an immediate challenge from a separatist movement in Nova Scotia. However, despite the election victories of the Anti-Confederation forces in the first Nova Scotia elections, the British government refused to entertain a petition for separation. In 1886, Premier W.S. Fielding won a Nova Scotia election on a promise to lead the three Maritime provinces out of Confederation. However, he did not carry out his promise.

In the 1920s dissatisfaction with the declining economic and political position of the Maritimes in Canada resulted in a **Maritime Rights Movement**, which sought better terms for the Maritimes within Canada. However, the historical differences and competing interests of the Maritime provinces made unified political action difficult. The Canadian government implemented some of the recommendations of the Royal Commission on Maritime Claims (1926) that was established in response to the demands of the Maritime Rights Movement. However, these measures were insufficient to reverse the general economic decline of the region.

The Atlantic provinces (the three Maritime provinces and Newfoundland and Labrador) continue to face the problems of unemployment, out-migration, and an aging population. There have been some efforts to coordinate the activities of the provincial governments (such as the creation of the Atlantic Lottery Corporation) and regular meetings of the Maritime premiers. However, proposals to create a Maritime union of the three provinces, each of which has a distinctive history and culture, have gained little support.

The Prairies

Western alienation has also been and continues to be a significant theme in Canadian politics. Alberta and Saskatchewan, carved out of a portion of the Northwest Territories, did not become provinces until 1905. Although a tiny version of the province of Manitoba was formed out of the Red River territory in 1870 and expanded in 1881, it did not become its current size until 1912. Unlike other provinces, the three Prairie provinces did not gain control of their own public lands and natural resources until 1930. In effect, the Canadian government treated the Prairie provinces in this period like colonies to be exploited.

Prime Minister Macdonald's **National Policy** (1879), which involved placing high **tariffs** on manufactured goods coming into Canada so as to encourage the development of industry located primarily in Ontario and Quebec, did little to assist Westerners who had to sell their products on international markets. Subsequently, many western Canadians demanded that the Canadian government pursue a free trade agreement with the United States. The railway freight rates established by the Canadian government tended to discourage the location of manufacturing and processing in western Canada.

The **Progressive Movement** that developed around the end of World War I involved a challenge, particularly by Prairie farmers, to the central Canadian business and government elites. Under the influence of big businesses, the Canadian government protected industries by establishing high tariffs on foreign imports. This harmed farmers and workers by making goods costly. The United Farmers of Ontario, with support from Labour, won the 1919 Ontario election and governed until their defeat

Maritime Rights Movement

A political movement in the 1920s that sought better terms for the Maritime provinces within Canada.

National Policy

A Canadian government policy adopted in 1879 that included railway construction, a high tariff on the import of manufactured products, and the encouragement of immigration to western Canada.

Tariff

A tax or customs duty on imported goods.

Progressive Movement

A farmer's political movement (supported to some extent by labour) that challenged the established Liberal and Conservative parties that were viewed as dominated by big business after the end of World War I.

in 1923. However, it was in the Prairie provinces that opposition to national elites had a more long-lasting significance. The United Farmers of Alberta governed that province from 1921 until 1935 when it was superseded by another protest party, the Alberta Social Credit party. The radical and fundamentalist religious views of Social Credit leader William Aberhart often put the province at odds with the Canadian government. The United Farmers of Manitoba won the province's 1922 election and, as the Progressives, the 1927 election. The party formed an alliance with the Manitoba Liberal party in 1932. A Progressive party was less successful in Saskatchewan, as the Saskatchewan Liberal Party aligned itself with the interests of farmers. In 1942, the democratic socialist Cooperative Commonwealth Federation (CCF) was elected and governed Saskatchewan until 1964.

In 1980 the Canadian government incensed many Albertans (and some other western Canadians) by adopting the **National Energy Program** at a time of high international oil prices and concerns about energy shortages. The Program included keeping oil prices in Canada below the international level, increasing the Canadian government's share of oil revenues, establishing a federal Crown corporation to be involved in the oil industry, and encouraging and subsidizing oil exploration on federal lands in the Arctic and offshore Newfoundland to reduce dependence on Alberta oil. Although the National Energy Program was scrapped a few years later, it symbolized the Canadian government's catering to the manufacturing interests in Ontario and Quebec (which benefited from lower energy costs) at the expense of the oil-producing provinces.

Many western Canadians have also been annoyed with the emphasis of much of Canadian politics on central Canadian issues. For example, there was considerable opposition in western Canada to the adoption of bilingualism and to the various efforts since the 1960s to accommodate the distinctiveness of Quebec. In 2018, the Saskatchewan government planned to have a court challenge to the Canadian government's carbon pricing plan, and Manitoba's government planned to cancel the carbon tax. As well, the Alberta government was strongly critical of the Canadian government's failure to ensure that the tripling of the size of the Trans Mountain crude oil pipeline to Burnaby, British Columbia, could be approved without delays. (See Chapter 4 for further information about these issues.)

British Columbia

Like people on the Prairies, many British Columbians feel that the Canadian government is oriented to the interests and concerns of central Canada. Nevertheless British Columbia is a distinct region whose history, culture, political attitudes, and economy differ substantially from those of other regions (including the Prairie provinces). British Columbia entered Confederation in 1871 and thus has a longer history of being fully self-governing than the Prairie provinces. British Columbia politics has often focused on class politics based on its strong labour movement. Its influential environmental movement has, at times, resulted in tensions with the Alberta and Canadian governments.

Newfoundland and Labrador

Many Newfoundlanders have been critical of the "giveaways" of the province's resources, and they question whether the province has benefited from joining Canada. The Canadian government's mismanagement of cod stocks and disputes concerning offshore oil revenues contributed to considerable dissatisfaction with the Canadian government. In addition, the unwillingness of the Canadian government to require that Quebec allow Labrador hydroelectricity to be transmitted through Quebec led to the sale of Labrador power to Quebec Hydro. The 1969 contract provided power to Quebec Hydro for only \$2.20 per megawatt hour. A commitment to a reduced payment of \$2.00 per megawatt hour from 2016 to 2041 was upheld by the Quebec Court of Appeal in 2016.

National Energy Program

A Canadian government program adopted in 1980 that included keeping oil prices below the international level, increasing the Canadian government's share of oil revenues, establishing a federal Crown corporation to be involved in the oil industry, and encouraging and subsidizing oil exploration on federal lands in the Arctic and offshore Newfoundland.

Box 2-3 Provincial Rights or a Strong Central Government?

Prime Minister Macdonald's vision of a strong central government was reflected, to a considerable extent, in the Canadian Constitution that was approved by the Parliament of the United Kingdom in 1867. The British North America Act, 1867, established a federal system that divided legislative authority between the Canadian and provincial governments. However, the BNA Act also gave substantial powers to the Canadian government that could be used to greatly limit provincial government powers. For example, the BNA Act gave the Canadian government the authority to disallow provincial legislation or to reserve provincial legislation for approval by the Canadian government.

In the three decades after Confederation, the government of Ontario challenged Prime Minister Sir John A. Macdonald's policies that were viewed as centralizing power in the hands of the Canadian government. Opposition (particularly in Ontario) to the Canadian government's disallowance of provincial laws that were established by the BNA Act led to what was known as the "provincial rights movement." While the Canadian government under Macdonald argued that the Canadian government should be able to make policies that are in the national interest, Ontario Premier Oliver Mowat argued that provincial governments were established

as autonomous legislatures and should be free to use their powers to make laws on policy areas granted to them by the BNA Act (Vipond, 1985).

The hanging of Riel stirred nationalist feelings in Quebec and contributed to the election victory of the Parti National led by Honoré Mercier in 1887. Premier Mercier organized an inter-provincial conference that he hoped would "safeguard the autonomy of every province in the federation by guaranteeing their independence" (quoted in Ryan, 2003).

Although the "provincial rights movement" was not a formal organization and did not mobilize the public, five of the seven premiers met in Quebec City in 1887 to challenge the Canadian government's use of veto power to disallow and reserve provincial legislation. This power of the Canadian government to veto provincial legislation (often by the western provinces) was common during Canada's first several decades. The last use of disallowance (striking down an Alberta law restricting land sales to Hutterites and enemy aliens) was in 1943. The last use of the reservation power was by a lieutenant-governor in 1961, but the law was passed by the Canadian Parliament. Although the powers to strike down legislation are still in the Constitution, these provisions are generally believed to be obsolete.

At times, the government of Newfoundland and Labrador has demanded greater provincial powers. However, although many people have a strong sense of Newfoundland identity, a significant independence movement has not developed, even though some hold the view that Newfoundland was coerced into its union with Canada.

Ontario

With its economic and political power, Ontario has been the most influential province in Canada. Nevertheless, in the decades after Confederation, the Ontario government led the fight for provincial rights. (See Box 2-3: Provincial Rights or a Strong Central Government?) Ontario premiers have often been at odds with the Canadian government and frequently complain that their province contributes much more to Canada than it receives in return. In 2018, the newly elected Ontario government led by Doug Ford was critical of the federal government's carbon tax and promised to challenge the tax in court.

English–French Relations and the Development of Quebec Nationalism

2.4 Understand the origins and development of Quebec Nationalism.

The relationship between English- and French-speaking Canadians has often been at the centre of Canadian politics. In the past, this had strong religious overtones, as many French-Canadians viewed their Roman Catholic faith as a key element in protecting their culture from the large Protestant majority in North America. In more recent times, language has been a key issue, with French-speaking minorities outside

Quebec striving to maintain their language and culture. Quebec nationalism has been an important aspect of Quebec politics since the early 1960s, with many Quebecers concerned about ensuring that French is the dominant language in their province. At times, the question of whether Quebec should become an independent country has been the subject of intense controversy.

Historical Background

The Conquest of New France in 1759 marked a tragedy for French speakers and was the central event in the history of Canadians of French ancestry. British governors replaced French officials, and English-speaking merchants from Britain and the American colonies quickly assumed control of Quebec's economic affairs (Cook, 1977). The Roman Catholic Church was the only important institution in Quebec to remain outside of British control, and it became the principal defender of the French-Canadian way of life. French-Canadian clerical and political leaders urged their people to resist **assimilation** into the anglophone culture through a strategy of *la survivance*, or survival. The French-Canadian nation was to be preserved by resisting the anglicizing pressures of Protestantism, liberal democracy, and many occupations and by remaining fiercely loyal to the Catholic religion, the French language, and the traditional mores of rural life. Supporters of traditional nationalism portrayed French-Canada as an ethnic nation whose boundaries reached beyond Quebec to include all French-Canadians.

British colonial authorities passed the Quebec Act in 1774 to secure the allegiance of French-Canadian clerical and civic leaders to the British Crown. The Quebec Act granted formal protection to the status of the Roman Catholic religion and Quebec's system of civil law. In the meantime, the high fertility rate among French-Canadians enabled them to continue to outnumber English-speaking colonists in Quebec, even after the immigration of Loyalists from the United States and English speakers from the British Isles.

During the Confederation debates in the 1860s, many English-Canadian politicians favoured a unitary system of government that would assign all legislative powers to a national parliament. French-Canadian representatives from Canada East wanted a federal system that would give the Quebec government jurisdiction over linguistic and cultural matters. Politicians from the Maritimes also preferred the federal option because they had developed strong local identities. As well, some politicians from Canada West (Ontario) felt that the conflict between English Protestant and French Catholic communities, which had led to government instability in Canada, would subside if local affairs were assigned to the provinces.

The Constitution Act, 1867, established a federal system in which the authority to make laws and to tax was divided between a national government and provincial governments. Provincial governments were given exclusive jurisdiction over matters such as hospitals, municipal institutions, and property and civil rights, as well as shared jurisdiction over immigration. Each province could also make laws in relation to education, providing they did not overstep the existing religious education rights of the Protestant or Roman Catholic minority communities in their provinces.

In the middle of the twentieth century, the federal government became more involved in provincial affairs through its controversial power to spend money in policy areas under provincial jurisdiction. At the same time, successive Quebec governments became more protective of what they argued were their exclusive powers under the Constitution.

Language, Religion, and Education

The Canadian Constitution that was adopted in 1867 included only limited provisions protecting the rights of the French-Canadian minority. English or French may be used in the Canadian Parliament and courts established by Parliament. The records and acts of Parliament must be published in both languages. Similar provisions in the Constitution for the use of English and French in the Quebec legislature and courts were designed to protect the English minority in that province. Catholic and Protestant

Assimilation

The process through which groups of individuals with a different culture learn and adopt the values and norms of the host society.

denominational school systems in provinces where they had been established in law at the time of Confederation were also protected by the Constitution. Although the Constitution made education the exclusive responsibility of provincial legislatures, the Canadian Parliament was given the right to pass remedial legislation if those denominational school rights were violated.

The establishment of new provinces raised controversial issues about language, religion, and education. The Manitoba Act, 1870, reflecting the roughly equal numbers of French- and English-speaking persons, made both English and French the languages of the provincial legislature and the province's courts. However, as the English-speaking population greatly increased (primarily with Protestants from Ontario), the Manitoba legislature in 1890 passed the Official Language Act making English the sole language of the legislature and courts.⁵ As well, the Manitoba Schools Act, 1890, eliminated public funding for denominational schools (including French-language Catholic schools) and established a public school system with English as the language of instruction.

To avoid the use of remedial federal legislation that would interfere with provincial control of education, Liberal Prime Minister Wilfrid Laurier worked out a compromise with Thomas Greenway, the Manitoba premier, in 1896. This agreement allowed for some religious education in public schools after hours and the right of parents to have their children educated in English and another language.⁶

The language of education was also a controversial issue in Ontario. In 1912, Ontario's Ministry of Education adopted Regulation 17, which made English the language of instruction in all Ontario schools (modified slightly in 1913 to allow some limited teaching of French). This regulation was dropped in 1927, although the right to a French-language education was not guaranteed in Ontario until 1968.

In 1977, the Quebec government passed Bill 101, which included provisions preventing most children from enrolling in a publicly funded English-language school unless at least one of their parents had been educated in English in Quebec.

The Roots of Quebec Nationalism

Canadians of French ancestry share a common linguistic, religious, and historical heritage. They live in communities across Canada but are largely concentrated in Quebec and northern New Brunswick. According to the 2016 Census, 8.15 million Canadians (23.4 percent) speak French at home at least some of the time and 7.45 million Canadians (21.4 percent) identify French as their mother tongue. Quebec is home to the largest concentration of people who describe French as their mother tongue; about 79 percent of the province's population does so, compared to 4 percent of Canadians living outside Quebec (Statistics Canada, 2018b). Quebec's distinctive linguistic makeup explains why the province has pursued control over matters that it considers vital to the preservation of the French language and its social institutions.

The strategy of *la survivance* ensured the cultural survival of the French nation in Quebec, but it also contributed in the past to the relative dearth of French-Canadians in industry and finance. Discrimination against francophones was also a recognizable feature of the Quebec economy until the 1960s (McRoberts, 1988). Some francophones ran small- and medium-sized businesses, but anglophones controlled most of the province's wealth and high-paying managerial and technical jobs. The processes of economic and social modernization that unfolded from the early to mid-twentieth century placed increasing pressure on traditional French-Canadian nationalism. By 1921, Quebec's urban population had surpassed the rural population, and manufacturing workers outnumbered farm workers by the mid-century (McRoberts, 1993).

⁵ Although various courts ruled Manitoba's Official Language Act unconstitutional, it was not until the 1980s that the Manitoba government began to translate its legislative acts into French.

⁶ In 1916, the right to educate children in a language other than English was lost due to wartime animosity toward Germans and those of some other continental European ancestries.

Anti-conscription demonstration by Université de Montréal students prior to 1942 referendum to release the Canadian government from its promise not to impose conscription.



Quebec's economic modernization prompted groups representing cultural, academic, labour, and other interests to challenge the monopoly on power held by clerical elites, English-Canadian and foreign business interests, and Maurice Duplessis's Union Nationale government that ruled between from 1936–1939 and 1944–1959. The goal of these groups was to bring Quebec's society, economy, and government up to date—a goal that became known as *rattrapage*, or catching up.

THE CONSCRIPTION CRISIS Canada's entry in World War I was widely supported, even by French-Canadian nationalists, in the House of Commons. However, the lengthy war eventually resulted in controversial calls for conscription despite the large number of volunteers (many of whom were immigrants to Canada) who had enlisted. Many French-Canadians opposed compulsory military service. Violent anti-conscription demonstrations in Quebec City resulted in Canadian troops being sent to that city, and four people were killed when the troops opened fire (Torrance, 1986). Nevertheless, conscription was imposed by a Union government composed of Conservatives along with most of the Liberal Members of Parliament from English Canada. The Union government won the 1917 election by a substantial margin, although Quebecers elected anti-conscription Liberals in every district that had a French-speaking majority. To help ensure a solid victory, the Union government extended the right to vote to women serving overseas as nurses in the army and to women with close relatives fighting in the war. The **conscription crisis** reinforced the negative feelings that many English Canadians had toward French-Canadians. It also had a long-term effect on Canada's party system, contributing to the difficulties the Conservative party experienced in appealing to Quebecers for decades afterwards.

The conscription issue arose again during World War II. To gain support from French-Canadians for the war effort, Liberal Prime Minister Mackenzie King promised that there would be no conscription for overseas service. Conscription for Home Guard duty was introduced in 1940. Then, in 1942, the Canadian government held a national referendum asking to be released from its promise not to impose conscription. The cautious prime minister promised "conscription if necessary but not necessarily conscription." Outside Quebec 72.8 percent voted in favour of allowing conscription, while in Quebec only 27.9 percent voted in favour. Nevertheless, conscription for overseas service was not implemented until November 1944, and a relatively small number of conscripts ended

Conscription Crisis

The imposition of compulsory military service during World War I that sharply divided many English and French-Canadians.

up on the front lines before the end of the war. Despite the controversy over conscription, the Liberals managed to get re-elected shortly after Victory in Europe Day, albeit with a substantially reduced popular vote. The Bloc Populaire, which was formed by Quebec's anti-conscriptionists, managed to win only two seats and disappeared soon afterwards.

Modern Quebec Nationalism

The early 1960s marked a turning point in Quebec's history. The election of the provincial Liberals under Jean Lesage in 1960 ushered in a series of political, institutional, and social reforms referred to as the **Quiet Revolution**. The modern secular nationalism of the Quiet Revolution identified the French-Canadian Canadian nation with the territory of Quebec. Instead of defining the nation in terms of language and religion, modern nationalism promoted the idea that the Québécois should assume control of their own affairs through the government of Quebec. The provincial government replaced church-run institutions in the areas of education, health, and social services and took over a broader range of economic functions. It established a ministry of education; nationalized privately owned hydroelectric companies; created Crown corporations such as La Caisse de dépôt et placement, which manages public pensions and insurance funds; set up a Quebec Pension Plan; and provided career opportunities for the growing number of francophones. The provincial government also succeeded in persuading the federal government to give it more powers over social policy and immigration.

The reforms introduced by the Quebec Liberal party helped to modernize Quebec but did not satisfy those who had developed a stronger degree of Quebec nationalism. Among the more radical groups was the Front de libération du Québec (FLQ), which engaged in violence to pursue their cause. The October Crisis of 1970 involved the kidnapping of British trade commissioner James Cross and the murder of labour minister Pierre Laporte by the FLQ. At the request of the Quebec government, the Canadian government invoked the War Measures Act (which suspended civil liberties) and rounded up hundreds of Quebecers, most of whom had no connection to the FLQ.

Much more important than the very small number of people involved with the FLQ and other radical groups was the formation of the Parti Québécois (led by a former Liberal cabinet minister, René Lévesque) in 1968 that sought "sovereignty-association" (Quebec political sovereignty or independence with an economic association with the rest of Canada). This, the party hoped, could be achieved through a majority vote of Quebecers in a referendum.

Before the mid-1960s, the idea of Quebec independence did not enjoy broad support. Quebec's quest for independence, or "sovereignty," became a crucial issue with the victory of the Parti Québécois (PQ) in the 1976 provincial election—a victory that sparked the exodus of many anglophones from the province. In May 1980, Quebecers were asked to vote on a proposal that would give the province a mandate to negotiate a new agreement with Canada. The referendum proposal explained that the agreement would "enable Quebec to acquire the exclusive power to make its laws, levy its taxes and establish relations abroad—in other words, sovereignty—and at the same time, to maintain an economic association with Canada, including a common currency" (Leduc, 2003, p. 104). It was defeated by 59.6 percent of provincial voters, with a majority of francophones voting against independence.

Some 15 years later, on June 12, 1995, leaders of the PQ, the federal Bloc Québécois, and the provincial Action démocratique du Québec (ADQ) signed an agreement that stated that after a "yes" victory in a provincial referendum, the National Assembly would be able to proclaim the sovereignty of Quebec and the provincial government would propose to Canada a treaty on a new economic and political partnership (Government of Canada, 2000). If negotiations succeeded, the treaty would provide for a customs union, a monetary policy, citizenship, and the mobility of people, capital, and services. If negotiations failed, the stalemate would empower the National Assembly to declare sovereignty.

Quiet Revolution

A series of political, institutional, and social reforms ushered in under Quebec Liberal leader Jean Lesage, beginning in 1960.

In September 1995, the government of Quebec publicized the wording of the referendum question: “Do you agree that Québec should become sovereign, after having made a formal offer to Canada for a new Economic and Political Partnership, within the scope of the Bill respecting the future of Québec and of the agreement signed on June 12, 1995?” Ninety-four percent of eligible voters turned out to vote, and they narrowly defeated the proposal by a 50.6 percent to 49.4 percent margin. However, Quebec’s PQ Premier Jacques Parizeau declared that the separatists had not really lost because more than 60 percent of francophones had voted for independence. To the consternation of many, he added that the sovereigntist forces had been defeated by money and the ethnic vote, raising the spectre that Quebec nationalism was not civic in character. (For a discussion of Canada’s responses to Québécois nationalism, see Chapter 3.)

Since the defeat of the referendum in 1995, support among Quebecers for independence has declined substantially, with only 36 percent expressing support for Quebec sovereignty (Hamilton, 2017, March 20). Among 18- to 24-year-old Quebecers, support has slipped to 32 percent, about half of the support at the time of the 1980 and 1995 referendums (Seguin & Perreux, 2018, May 3). During the 2018 provincial election, the nationalist PQ vowed it would not hold a referendum on independence until after 2022. For the first time in decades, the independence question did not dominate an election campaign. The centre-right Coalition Avenir Québec won the election after proposing that Quebec’s autonomy be preserved by limiting immigration and imposing a “values test” and a “French language test” on newcomers (Bilefsky, 2018, September 22). At the time of writing, the culture wars of the past have shifted to debates about the place of immigration and religious symbols in modern, secular Quebec. (See Chapter 3.)

Despite the failure of the Parti Québécois to achieve an independent Quebec, Quebec governments have challenged the efforts of Canadian governments to promote bilingualism and biculturalism in Canada and Quebec. Concerned that francophones would eventually become a linguistic minority in Quebec, the Parti Québécois introduced the controversial Charter of the French Language (Bill 101) in 1977. This made French the sole official language in Quebec; required that businesses with 50 or more employees acquire a “francization certificate” as a condition of doing business in Quebec; required that commercial signs, posters, and advertisements be in French only; and stipulated that children could enrol in an English-language school only if their parents had been educated in English in Quebec (or in some other specific circumstances).

The Supreme Court of Canada struck down the provisions making French the sole official language of the Quebec legislature and in the courts; the prohibition of languages other than French on public signs, posters, and commercial advertising; and that restricted the right of Canadian citizens who had received school instruction in English in Canada to send their children to an English-language school. However, the Quebec government used the “**notwithstanding clause**” of the Canadian Charter of Rights and Freedoms to reaffirm the ban on languages other than French outside a business.⁷ When the five-year limit on the application of the clause was set to expire, the Quebec government adopted more flexible regulations regarding other languages on public signs. For a discussion of Canada’s approach to language rights, see Chapter 3.

Women, Farmers, and Workers

2.5 Discuss the issues and problems that women, farmers, and workers have faced.

According to the oral histories of Indigenous peoples, men and women traditionally had equal power in their family, were expected to respect each other, and each had a degree of autonomy (Report of the Aboriginal Justice Inquiry of Manitoba, 1999,

⁷ The “notwithstanding” clause allows federal or provincial governments to pass legislation that infringes on fundamental freedoms and legal and equality rights.

Chapter 13). However as English law came to Canada, women were restricted in their right to own property and enter into contracts, thus ending equality. Indigenous women were particularly troubled by the removal of their children to distant Indian residential schools, where the children were ill-treated.

Women

Women have engaged in a lengthy struggle to try to end discriminatory laws and practices. For example, until the early twentieth century in most provinces, married women did not have the right to make legal agreements and buy property. Indeed, it wasn't until the late 1970s that provincial legislatures passed laws guaranteeing women an equal division of property after a divorce.

Women were excluded from the right to vote and hold public office from the time of Confederation. They were expected to be responsible for home and family, while leaving the “dirty” business of politics to men. Through peaceful protests, the women's suffrage movement challenged the exclusion of women from political life. They were successful first in persuading male politicians to grant women the right to vote in the three Prairie provinces in 1916, followed by British Columbia in 1917 and federal elections in 1918. However, it was not until 1940 that women could vote in Quebec provincial elections and until 1951 that the Indian Act was amended to allow women to vote in First Nations elections.

Despite gaining the right to vote and hold elected office, only a handful of women were elected to Parliament and provincial legislatures until recent decades. In 2015, 88 women were elected federally, representing 26 percent of MPs in the House of Commons. Likewise, women compose about one-quarter of the members of provincial legislatures. Although over the years there have been a few female premiers, as of May, 2019, no province had a female premier.

In the not-too-distant past, women have been limited in their educational opportunities and found it difficult or impossible to enter certain professions. Until the 1970s, job advertisements were often classified in terms of being for men or for women. However, women have entered the paid labour force, including professions, in large numbers in recent decades. The equality of women is now constitutionally protected through the Charter of Rights and Freedoms. Nevertheless, women face various hurdles in the pursuit of full equality. Women continue to be greatly under-represented in many senior political and business positions. As well, the average salary for women is still lower than that of men, and because women are more likely than men to have a part-time job, the average earnings of women are substantially lower than those of men.

Farmers

Many of the early Europeans who came to Canada were primarily engaged in the fur trade with Indigenous people. Subsequently, farming became the leading occupation until quite recent times.

In the seventeenth and eighteenth centuries, the habitants, independent landowners along the St. Lawrence River paid rent and interest to the seigneur. However, the crops the habitants produced were generally sufficient only to feed their typically large families. Commerical farming became more profitable as land in southern Ontario was developed, and agriculture became important both to support the growing population and for exports. Later, the opening of the Prairies made Canada known as the “breadbasket” of the world and played a crucial role in feeding soldiers in the two world wars. In fact, in the nineteenth century and well into the twentieth century, agricultural products were generally Canada's leading exports. Although automobiles are now Canada's leading export, fertilizers, wheat, and vegetable oils (such as canola oil) are also important Canadian exports.

Despite the importance of farming, in pre-Confederation British North American colonies, reformers with support based in farming communities struggled against the wealthy, privileged elites that dominated government, the economy, and society. In the first decades of the twentieth century, farmers' movements developed throughout Canada, with particular strength on the Prairies and in rural Ontario. Both major political parties—the Conservatives and the Liberals—were often seen as beholden to the interests of big business. Many in the farmers' movement advocated plebiscitary democracy that gave ordinary people direct control over their representatives and the policies adopted by governments.

Following World War I, the farmers' movement entered the arena of electoral politics, with farmers nominating candidates who pledged to act on the wishes of their constituents. The collection of farmers' representatives had considerable success (in combination with a small number of independent labour representatives), forming the United Farmers governments of Alberta, Manitoba, and Ontario and, under the label of National Progressives, the second-largest party in the Canadian Parliament for a short time. However, internal divisions based in part on differences over whether they should act like a political party greatly weakened the farmers' movement.

Although agriculture is still an important part of the Canadian economy, the mechanization of farming has meant that a much smaller proportion of the population has been directly engaged in farming in modern times.

Workers

In early Canada, criminal laws concerning conspiracy were used to lay charges against those involved in organizing workers and taking strike action. George Brown, a prominent Liberal politician and publisher of the *Globe* newspaper, used this law to have striking printers arrested. Subsequently, Conservative Prime Minister Sir John A. Macdonald presented legislation to Parliament that legalized unions. Nevertheless, there have been, at times, bitter confrontations between employers and workers. (See Box 2-4: Labour Asserts Itself.)

As a result of the determined actions of workers, the right to organize, bargain collectively, and take strike action has become well established.

Box 2-4 Labour Asserts Itself: The Winnipeg General Strike and the General Motors Strike

World War I led to greatly increased employment in industry and much greater membership in unions. Subsequently, building and metal trades workers in Winnipeg went on strike when their employers rejected collective bargaining. In solidarity, the Winnipeg Trades and Labour Council and workers in other western Canadian communities joined the strike. With socialism on the rise and the Bolshevik (Communist) Revolution having recently occurred in Russia, governments and business leaders raised fears of revolution in Canada led by non-British "aliens." Although the General Strike was non-violent, the Winnipeg police who showed some sympathy for the strikers were replaced, and the militia and the RCMP were called in. When the strike supporters held a peaceful march in defiance of a ban on parades, the RCMP and militia broke

up the march, killing one spectator and wounding others. The strike leaders were thrown in jail and charged with seditious conspiracy (McNaught, 1969).

In 1937, there was a strike at the General Motors automobile plant in Oshawa, Ontario, when the company refused to recognize the United Auto Workers as the bargaining agent for the workers. Ontario premier Mitch Hepburn organized a special force of 400 men with a plan to set up machine guns and instructions to shoot strikers at the knees, if ordered. However, Ontario cabinet minister David Croll stated, "I'd rather walk with the workers than ride with General Motors," and, along with another cabinet minister, resigned in protest. Fortunately, a compromise was reached and a contract was signed between General Motors and the union local.

Summary and Conclusion

The story of Canada's past takes many forms. Some describe Canadian historical development as the evolution from colony to independent nation. Building on the pre-Confederation adoption of responsible government, Canada gradually became an independent, democratic country. Others view the development of a close relationship with the United States as limiting the independence of contemporary Canada. Still others look at Canadian history as the continuing struggles for democracy, equality, respect, and justice by diverse groups, including women, Indigenous peoples, French-Canadians, ethnic and racial minorities, and the working class.

Canadian politics has often focused on relations between English and French-Canadians, the grievances of various provinces and regions, and the relationships

between the Canadian government and provincial governments. These tensions are frequently seen as creating challenges to "national unity."

This chapter has highlighted some serious political conflicts that have threatened Canadian unity. However, Canada has, for the most part, enjoyed a peaceful existence since Confederation, despite the challenges of integrating a large country with a growing, increasingly diverse population. While maintaining Canadian unity and sovereignty continue to be relevant concerns, other issues, including environmental degradation and climate change, the position of Indigenous people, equality for women and gender minorities, the accommodation of those with different cultures and religious practices, and inequalities in income and wealth, have become increasingly important.

Discussion Questions

1. If you had lived in British North America in the 1860s, do you think you would have supported or opposed Confederation?
2. What have been the most serious challenges Canada has faced? What challenges do you think will be most important in the coming years?
3. Are regionalism and provincialism serious threats to national unity?
4. Should Canada establish its own head of state?
5. Do you think that the role of women, farmers, and workers in the development of Canada is given sufficient importance in depictions and discussions of Canada's history?

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Chapter 3

Canada and the Governance of Cultural Diversity and International Migration



Paul Chiasson/The Canadian Press/AP Images

A family of asylum seekers that walked across the U.S.-Canada border at an unauthorized point of entry is taken into custody by the RCMP.

Learning Objectives

After reading this chapter, you should be able to

- 3.1a** Discuss how Canada is both a multination and polyethnic state.
- 3.1b** Discuss different perspectives on how the state may respond to cultural diversity.
- 3.2** Discuss Canada's approach to language rights and Québécois nationalism.
- 3.3** Discuss Canada's approach to the admission of immigrants and refugees.

- 3.4a** Learn about the experiences of racial, ethnic, and religious minorities in Canadian history.
- 3.4b** Discuss Canada's approach to immigrant integration and citizenship.

Images of desperate people crossing the Canada–U.S. border along forested trails and fields outside of official checkpoints, sometimes at peril to their lives, have gripped the attention of Canadians in recent years. As of late 2018, almost 35 000 individuals had made these irregular border crossings, with the intent of making a refugee claim once on Canadian soil. The exodus was prompted by U.S. President Donald Trump's announcement that his administration was terminating the temporary protected status (TPS) designations that had allowed immigrants from El Salvador, Honduras, Haiti, and other countries to live and work legally in the United States. Individuals with TPS were given 18 months to leave the country or risk becoming undocumented.

The TPS program was established in 1990 to provide a safe haven for nearly half a million immigrants from countries that have suffered natural disasters, armed conflict, and other strife. It allows them to stay in the United States for periods of up to 18 months, which the government can renew indefinitely if it believes those countries remain unsafe. The Trump administration has argued that the conditions that initially led to the TPS designation no longer exist in the affected countries (Felter & Shendruk, 2018, May 8).

When individuals with TPS heard they would no longer be able to live in the United States, they faced a difficult decision about where to go—return to a country where they have not lived in many years, live in the United States without legal status, or go to a third country. Many chose to cross into Canada outside of official ports of entry because the Safe Third Country Agreement does not apply in these circumstances. Under the Safe Third Country Agreement, which has been in force since 2004, the two countries designated each other as “safe” for refugees and established the principle that refugee claimants should generally seek protection in the first country in which they land. This means that if a person coming from the United States makes a refugee claim at an official port of entry on the U.S.–Canada border, the individual will, in most cases, be sent back to the United States to file a refugee claim.

Canada is bound by international and domestic law to assess all claims for protection made within Canada and to provide refugee claimants with due process. But the record number of asylum seekers arriving at the U.S.–Canadian border throughout 2017 and 2018 was not without controversy, as officials and members of the public raised concerns about security and the costs of resettling people as they waited for their refugee claims to be assessed by Canadian authorities.

Chapter Introduction

If you used Google Earth to zoom in over Canada, you would notice the country's distinctive physical features: a huge landmass bounded by three oceans and traversed by long rivers, lakes and bays as vast as small seas, and soaring mountain ranges. While Canada is known worldwide for its spectacular landscape, its diverse population is another defining characteristic of the country. The concept of diversity can refer to an individual's inherent characteristics (e.g., ethnocultural, linguistic, gender, gender identity, sexual orientation, age, and abilities), as well as other differences, including values, income, education, and other aspects (Treasury Board of Canada Secretariat, 2018a).

Diversity is relevant to the study of politics because individuals from different backgrounds may interpret history, understand other groups and states, and perceive their interests in different ways (Abdelal, Herrera, Johnston, & McDermott, 2005). As a few examples, francophone Canadians have waged long battles for access to French-language education and other government programs and services that will help sustain their language and culture. The predominantly francophone province of Quebec has held two referendums on whether it should establish an independent state so that it can better protect its distinctive language and culture within Canada and North America. Recent immigrants are more likely to earn lower incomes or live in poverty than more established Canadians; refugees struggle to find work and

afford life in Canada; and members of racial and religious minority groups are more likely to be the target of hate crimes.

The stability and survival of culturally diverse states such as Canada hinge in part on their ability to ensure that people from different national, linguistic, ethnic, racial, and religious backgrounds perceive a shared bond and feel included in the broader political community. The evolving story of their status and how successive governments at various levels have responded to their claims and grievances conveys a message about whether the principles of freedom and equality that underpin democratic values are best served by treating all citizens in the same way, regardless of their cultural background, or whether national minorities and ethnic groups should enjoy special collective rights so that they may fully participate in the broader society. These decisions reflect whether Canadians agree that “good government” includes the accommodation of the requirements of minorities.

In order to understand the governance of cultural diversity in Canada, this chapter will focus on several issue areas that have long been at the centre of Canadian politics and that continue to resonate: language rights; Québécois nationalism; the immigration and refugee systems; the experiences of ethnic, racial, and religious minorities; and immigrant integration.

Canada: A Multination and Polyethnic State

3.1a Discuss how Canada is both a multinational and polyethnic state.

3.1b Discuss different perspectives on how the state may respond to cultural diversity.

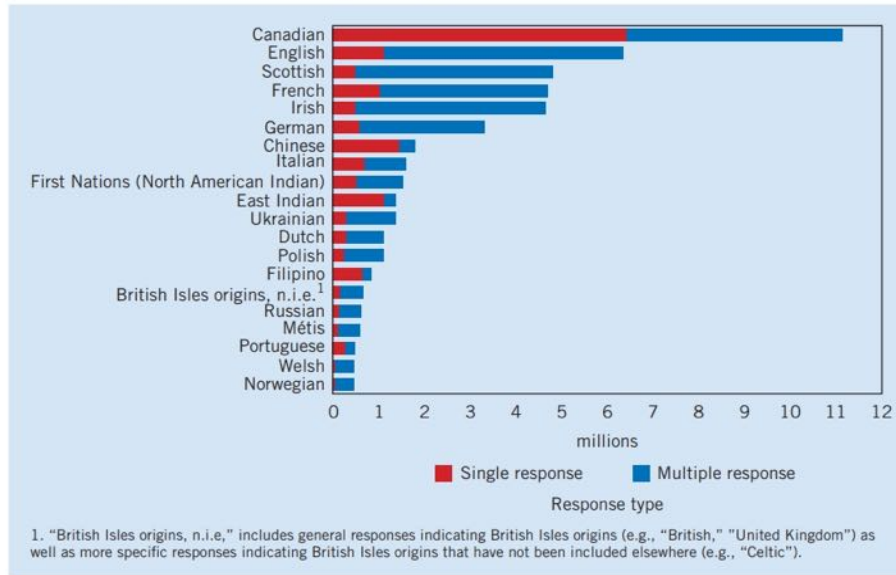
When European settlers made first contact with the original inhabitants of North America, they met Indigenous peoples from many cultural backgrounds. Each Indigenous group had a unique economic organization, language, religion, and set of values. The Indigenous peoples were in turn confronted with predominantly French and British settlers who imported their unique political and legal structures and cultural traditions. Since the eighteenth century, subsequent waves of immigration have deepened the country’s longstanding cultural, linguistic and religious diversity. (See Chapter 2.) The most recent census paints a portrait of Canada’s complex ethnic, racial, linguistic, and religious makeup in the twenty-first century.

Ethnic and Racial Diversity

In 2016, Canadians traced their ethnic origins to more than 250 groups, with many people (41 percent) indicating more than one origin. (See Figure 3-1.) Immigration and mixed marriages and common-law unions between people from different cultural backgrounds have contributed to the large number of people reporting multiple ethnic origins. As Figure 3-1 shows, “Canadian” was the most-frequently mentioned ethnic origin, with 11.1 million people (32.3 percent of the population) reporting this ancestry alone or in combination with other origins. British Isles and French origin were the most commonly reported ancestries after Canadian, but their share of the population has decreased considerably since the first post-Confederation census was taken in 1871. More than 2 million people (6.2 percent of the population) reported an Indigenous ancestry (Statistics Canada, 2017a, October 25)

Immigrants and their Canadian-born descendants have contributed to the country’s ethnic and racial diversity. German, Italian, Ukrainian, Dutch, and Polish ancestries were among the top 20 ethnic origins reported alone or in combination in

Figure 3-1 Top 20 Ethnic Origins Reported Alone or in Combination with Other Origins (Single or Multiple Response), Canada, 2016



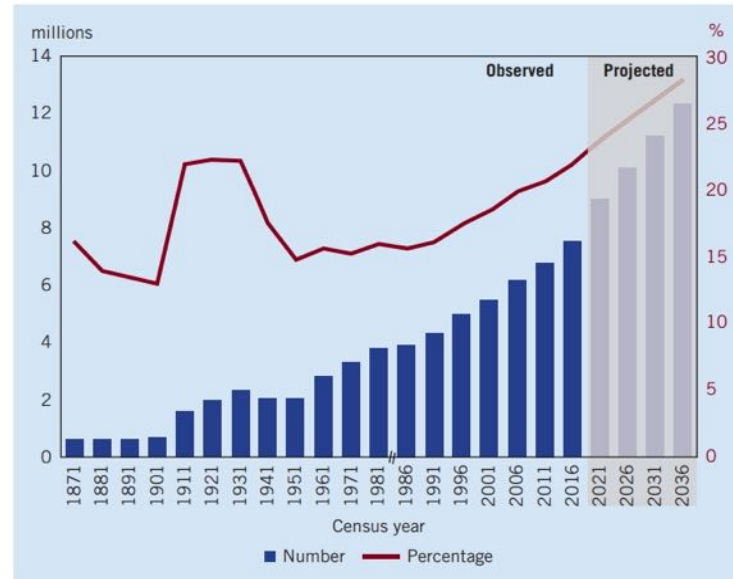
SOURCE: Statistics Canada. (2017b). *Ethnic and cultural origins of Canadians: Portrait of a rich heritage*. Retrieved from <https://www12.statcan.gc.ca/census-recensement/2016/as-sa/98-200-x/2016016/98-200-x2016016-eng.cfm>

the census, reflecting the heritage of the many Europeans who emigrated to Canada before the 1970s. Since the 1980s, emigration from the Asian continent has increased the number of individuals reporting a Chinese, East Indian, or Filipino heritage (Statistics Canada, 2017b, October 25). The visible minority population¹ has also grown as a result of immigration from non-European countries and their Canadian-born descendants. By 2016, more than one-fifth (22.3 percent) of Canadians identified as belonging to a visible minority group. South Asian, Chinese, and Black were the three largest groups, each with a population exceeding one million (Statistics Canada, 2017a, n.d.).

Canada is one of the top destination countries for international migrants from all parts of the globe. In 2016, more than 7.54 million Canadians, or 21.9 percent of the population, were born in another country. (See Figure 3-2.) Whereas in 1871, the foreign-born population was mainly from the British Isles (83.6 percent), in 2016, almost half of the foreign-born population (48.1 percent) was born in Asia (including the Middle East). Shifts in Canada's immigration policies and international events related to the movement of migrants and refugees have resulted in the percentage of newcomers (those who landed in Canada from 2011 to 2016) from Europe falling from 61.6 percent in 1971 to 11.6 percent in 2016. In 2016, more than 61 percent of newcomers to Canada were born in Asia. For the first time in Canadian history, Africa accounted for the second largest source continent of newcomers (Statistics Canada, 2017a, n.d.). The impact of immigration is most keenly felt in urban centres, where the vast majority of immigrants settle. About 61 percent of immigrants reside in Toronto, Vancouver, or Montreal alone, but over the past 15 years, a growing number of newcomers have been settling in the Prairies and in the Atlantic provinces (Statistics Canada, 2017a, n.d.).

¹ "Visible minority" refers to whether a person belongs to a visible minority group as defined by the *Employment Equity Act*. The *Employment Equity Act* defines visible minorities as "persons, other than Aboriginal peoples, who are non-Caucasian in race or non-white in colour." The visible minority population consists mainly of the following groups: South Asian, Chinese, Black, Filipino, Latin American, Arab, Southeast Asian, West Asian, Korean, and Japanese.

Figure 3-2 Number and Proportion of Foreign-Born Population in Canada, 1871 to 2016



SOURCE: Statistics Canada. (2017b, October 25). *Census of Population, 1871 to 2006, 2016; National Household Survey, 2011*. Retrieved from <https://www.statcan.gc.ca/eng/dai/btd/othervisuals/other006>

Linguistic and Religious Diversity

Canada’s rich linguistic landscape pre-dates European settlement; more than 70 Indigenous languages were reported in 2016, with the Cree, Inuktitut, and Ojibway languages most often reported as the language spoken at home. English and French—the country’s two official languages—were the most widely spoken, with about 93 percent of Canadians speaking English or French at home at least on a regular basis. About 21 percent (7.45 million) reported French as their sole **mother tongue** or in combination with other languages (Statistics Canada, 2017, August 23), while 8.15 million Canadians (23.4 percent) speak French at home at least some of the time.

Immigration has contributed to linguistic diversity, as more people are reporting a language other than English or French as their mother tongue and as the language spoken at home. In 2016, about 23 percent of the population reported an “other” mother tongue, while close to 7.6 million (21.8 percent) Canadians reported speaking a language other than English or French at home. Multilingualism, which occurs primarily when official languages are used with an immigrant language, is a daily reality for many Canadians. In 2016, slightly more than 19 percent of Canadians spoke more than one language at home (Statistics Canada, 2017, August 17).

Canada’s religious makeup is becoming increasingly diverse and more secular. In 2011, the largest religion in Canada was Christianity (67.3 percent), with Roman Catholics as the largest group. Consistent with changing immigration patterns, more Canadians are reporting non-Christian religious affiliations. Roughly 7 percent of the population reported an affiliation with the Muslim, Hindu, Sikh, or Buddhist religion, up from about 5 percent in 2001. A large and growing segment of the population (23.9 percent) also expressed no religious affiliation in 2011, up from 16.5 percent a decade earlier (Statistics Canada, 2013a).

The State and Cultural Diversity

The census paints a clear portrait of Canada’s cultural diversity. Political philosophers have debated how liberal societies should go about building a unified political community

Mother Tongue

The first language a person learned at home in childhood and still understands.

that is made up of people from different national, ethno-cultural, linguistic, and religious backgrounds. **Classical liberalism** is based on the idea that the state should remain neutral in cultural and religious matters and concentrate on protecting individual rights and freedoms and the life, liberty, and property of its citizens. One way to meet such demands is by extending legal protections for civil and political rights to individuals. Under this perspective, guarantees of rights of freedom of association, religion, speech, mobility, and political organization would protect and promote the rights and interests of all individuals, regardless of their cultural background (Kymlicka, 1995). Former Prime Minister Pierre Trudeau (1968), a supporter of the classical liberal tradition of individual rights and freedoms, adamantly opposed the organization of any political society along ethnic lines.

Some contemporary liberals, however, argue that the state should also recognize collective rights that would allow a minority group to protect its interests and identities, providing that the state also protects the basic rights and freedoms of all citizens who do not belong to that group or who do not share its goals. In practice, this would entitle national minorities and ethnic groups specific rights and powers that are not enjoyed by other Canadians (Taylor, 1994; Kymlicka, 1995).

Political philosopher Will Kymlicka (1995) has described Canada as a **multination** state built on a federation of three distinct nations: English, French, and Indigenous.² Indigenous Canadians and the Québécois are each considered a **national minority** because each constitutes a **nation** (historical community with its own institutions occupying a given territory and sharing a distinct language and culture) that has been incorporated into the larger state. Canada is also a **polyethnic state** because it is composed of many **ethnic groups** formed by immigrants who left their countries of origin to live in another society (1995). Although such groups establish their own religious, commercial, cultural, and educational institutions (e.g., churches or mosques, specialty food shops, community centres, and schools), they are not considered “nations” because they do not occupy a separate territory. Furthermore, their members participate within the public institutions of the dominant culture, and most of them speak English or French (although some may speak their own language at home or within their own communities). Based on this conception of Canada, Kymlicka has identified three forms of collective rights that states might adopt to accommodate the demands of national minorities and ethnic groups for recognition and support of their cultural identity: self-government rights, polyethnic rights, and special representation rights.

Self-Government Rights

Many multination states have given national minorities **self-government rights**—some kind of territorial jurisdiction or autonomy over their political and cultural affairs. One way of achieving this is through federalism, an institutional



Fstop123/E+/Getty Images

Building a unified political community made up of people from different national and ethnic backgrounds is a key issue for Canada and other democracies.

Classical Liberalism

The state should remain neutral in cultural and religious matters and concentrate on protecting individual rights and freedoms and the life, liberty, and property of its citizens.

Multination State

A state that contains more than one nation.

Nation

A historical community with its own institutions, occupying a given territory or homeland, and sharing a distinct language and culture.

National Minority

A culturally distinct and potentially self-governing society that has been incorporated into a larger state.

Polyethnic State

A state that contains many ethnic groups.

Ethnic Groups

Groups of immigrants who have left their countries of origin to enter another society but who do not occupy a separate territory in their new homeland.

Self-Government Rights

Group-based rights that grant a national minority some kind of territorial jurisdiction or autonomy over its political and cultural affairs.

² The Canadian Constitution recognizes three distinct groups of Indigenous peoples: Indians (commonly referred to as First Nations), Métis, and Inuit, each with its own history, languages, cultural practices, and spiritual beliefs. The First Nations people alone represent more than 50 nations or cultural groups. The issues of Indigenous peoples who seek self-government or some form of sovereignty are addressed in Chapter 11.

arrangement that divides power between the central and regional or provincial governments. Federalism can effectively provide self-government for a national minority if the national minority is geographically concentrated. For example, the federal division of powers in Canada gives the provinces, including Quebec, control over issues such as education, language, and social services that are crucial to the survival of minority cultures. (See “Language Rights” and “Quebec Nationalism.”)

States may also redraw territorial boundaries so that national minorities living within a particular geographic area can acquire self-government. This is what occurred in 1999, when the Northwest Territories was divided into two and the territory of Nunavut was created in its eastern half. This arrangement in effect gave the predominantly Inuit population the right of self-government. (See Chapter 11.)

Polyethnic Rights

Group-based rights that allow ethnic groups and religious minorities to express their cultural distinctiveness without discrimination.

Affirmative Action

Measures that may be adopted by public or private organizations, which compensate for the effects of past discrimination in order to more fairly represent groups that have been traditionally under-represented in various sectors, including employment, education, etc.

Polyethnic Rights

Polyethnic rights give ethnic groups and religious minorities the right to express their cultural distinctiveness without discrimination. Examples of such rights would include public funding of ethnic cultural practices and the teaching of immigrant languages, exemptions from laws that disadvantage minorities, and some types of **affirmative action** (Kymlicka, 1995). Following the introduction of official multiculturalism in 1971, the federal government established a multiculturalism program that was oriented toward helping ethnic groups maintain their cultural traditions and languages. Many federal institutions have also implemented policies that exempt minorities from dress codes that offend their religious traditions. For example, the Canadian Air Transport Security Authority, which employs screening officers at airports across the country, has a policy that recognizes its duty to respond to individual uniform requests by respecting the need for accommodation based on, but not limited to, race, national or ethnic origin, colour, religion, age, sex, or disability. The Charter of Rights and Freedoms, 1982 and the Employment Equity Act, 1995 (see “Racial, Ethnic, and Religious Minorities and Immigrant Integration”) allow for measures aimed at helping individuals or groups, including those that have been disadvantaged on the basis of personal characteristics, including race, national or ethnic origin, colour, and religion.

Special Representation Rights

The provision of guaranteed representation for particular groups in legislative bodies or other political institutions.

Special Representation Rights

Special representation rights may also be given to national minorities and ethnic groups so that they can participate in the political process. For example, unlike New Zealand, which has established electoral districts in which only the Indigenous Maori population can vote, Canada does not reserve seats for the representation of national minorities or members of ethnic groups in the House of Commons and Senate.

Language Rights and Quebec Nationalism

3.2 Discuss Canada’s approach to language rights and Québécois nationalism.

The minority status of the French language in Canada and North America has placed questions related to the preservation and promotion of the French language, and to the political future of Quebec, at the centre of Canadian politics. Francophone Canadians live in communities across Canada but are largely concentrated in Quebec and

northern New Brunswick. Quebec is home to the largest concentration of people who describe French as their mother-tongue; about 79 percent of the province's population does so, compared to four percent of Canadians living outside Quebec (Statistics Canada, 2017a, October 25).

As discussed in Chapter 2, francophone Canadians living outside Quebec have long fought for access to education and other government programs and services in their language. The predominantly francophone province of Quebec has held two referendums on whether it should establish an independent state. This module examines how federal and provincial governments have responded to the rights claims of francophones and to nationalist sentiments inside Quebec.

Language Rights

The principle of linguistic duality is embedded in the country's Constitution, laws, and policies. Section 133 of the Constitution Act, 1867, states that English and French have equality of status in the federal Parliament, the Quebec National Assembly, federally established courts, and all courts in Quebec. The Act also sets out the right to religious schooling, which at the time was associated with the anglophone (Protestant) and francophone (Roman Catholic) linguistic and cultural traditions.

In 1978, the Canadian government established the Court Challenges Program, which provided some funds for individuals and groups seeking to challenge Canadians laws and actions that violated the equality rights of **official language minority communities** (OLMCs) and historically disadvantaged groups. The term OLMCs generally refers to francophone communities outside Quebec and to the anglophone community within Quebec. Francophone and Acadian organizations lobbied for the constitutional entrenchment of official bilingualism and the right to education in their own language, including the right to govern their own school boards (Behiels, 2005). Language rights were subsequently extended in the 1982 Charter of Rights and Freedoms, which enshrined English and French as the two official languages of the Canadian Parliament, federal public institutions, and the legislature and public institutions of New Brunswick, the only province that is officially bilingual.

Section 23 of the Charter gives citizens who had attended an English or French primary school in Canada (or whose children have received or were receiving English or French instruction in Canada) the right to have all their children receive primary and secondary school instruction in the language of the English or French linguistic minority population of the province in which they live,³ where numbers warrant. Section 23 extends rights to individuals, but it is also a collective right because a group must be present in sufficient numbers in order to claim the right to primary and secondary school instruction in English or French (MacMillan, 1998). For a discussion of Charter protections of anglophone minority education rights in Quebec, see "English–French Relations and the Development of Quebec Nationalism" in Chapter 2.

The Official Languages Act

The principle of linguistic duality can also be seen in the federal government's policy response to the rising tide of Quebec nationalism in the 1960s. In 1963, the Liberal government of Lester B. Pearson established the Royal Commission on Bilingualism and Biculturalism to report on the state of bilingualism and biculturalism in the

Official Language Minority Communities

Generally, these communities consist of francophones who reside outside of Quebec and English-speaking residents of Quebec.

³ Except in Quebec, the Charter right also applies to Canadian citizens "whose first language learned and still understood is that of the English or French linguistic minority of the province in which they reside." This has effectively prohibited the children of new immigrants from attending English language elementary and secondary schools in Quebec.

country and to recommend what steps should be taken to develop Canada on the basis of an equal partnership between the English and French, taking into account the contributions made by other ethnic groups. The government followed up on the commission's recommendations by passing the Official Languages Act (OLA) in 1969, which regulates bilingualism in the federal public service and federally regulated industries in the private sector. The Act was designed to address the issue of francophone under-representation in the public service and to transform the language of the public service, which was, in most parts of the country, English. The OLA reflects a philosophy in which language rights are guaranteed to individuals and are safeguarded by national institutions.

The OLA (as amended in 1985) gives individual members of the public the right to communicate with and to be served by the federal government in English or French within the National Capital Region or elsewhere in Canada where there is significant demand for communications with and services from that office in that language, it requires that francophones and anglophones have equal opportunities to obtain employment and advancement in federal institutions, and it guarantees the ability of public servants from both language groups to work in the language of their choice. To strengthen the bilingual character of the federal bureaucracy, language training has been provided for public servants and an increasing share of positions have been designated as bilingual. In 2017, 43 percent of positions in the public service were designated bilingual, with most in the National Capital Region, Quebec, and New Brunswick (Treasury Board of Canada Secretariat, 2018b). Despite these measures, many francophone employees do not consistently feel they can work in French, as most written materials are prepared in English and most meetings are conducted in English (Borbey & Mendelsohn, 2017).

The OLA does not apply to provincial or municipal governments or to private businesses, but the provinces and territories have adopted laws, policies, or other measures related to the provision of programs and services to official language minorities in their jurisdictions. (See Box 3-1: Language Regimes in the Provinces and Territories.) Recent political developments in Ontario and New Brunswick underscore the challenges that francophones living outside Quebec face in accessing provincial government programs and services in their own language.

Thousands of protesters donned the green-and-white colours of the flag representing Ontario francophones as they rallied across Ontario in 2018 to protest proposed cuts to reduce services for French speakers.



LARS HAGBERG/AFP/Getty Images

Box 3-1 Language Regimes in the Provinces and Territories

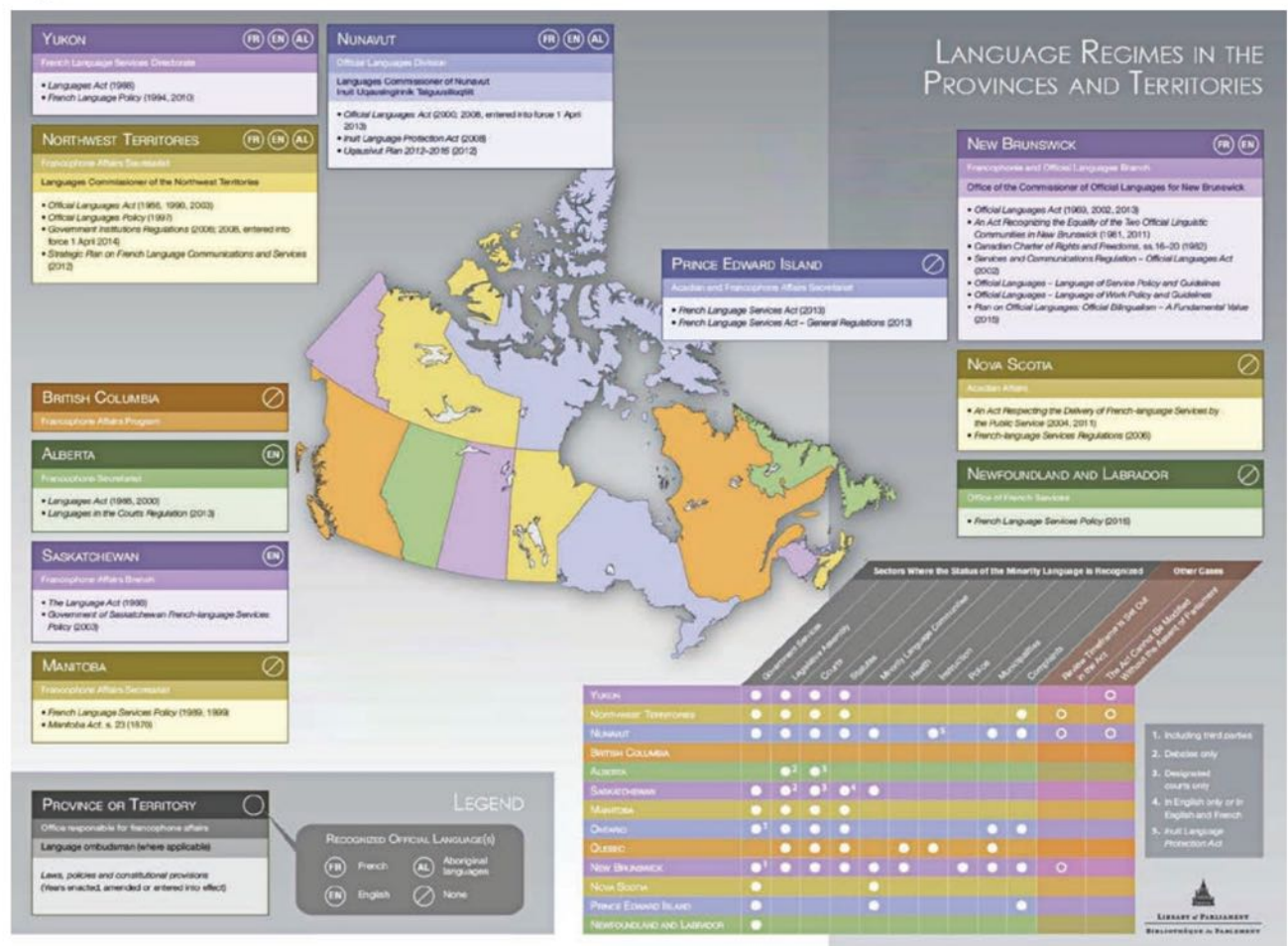
The provinces and territories play an important role in the protection of linguistic minorities in areas falling under their exclusive or shared jurisdiction. However, there are significant variations in the measures they have adopted in education, justice, municipal affairs, government services, and legislative business, among other sectors. Furthermore, the adoption of laws and policies providing access to minority language services does not guarantee their implementation in practise. Access often varies across regions within the same province.

Three provinces have constitutional provisions recognizing both official languages: Quebec, Manitoba, and New Brunswick. Provincial legislation in New Brunswick, Ontario, Nova Scotia, and Prince Edward Island, and Manitoba sets out the government services that must be provided in French. New Brunswick legislation also states that English

and French are the official languages of the province. In Alberta, Saskatchewan, and Quebec, language laws recognize only one official language and limit the official use of the minority language to specific contexts. Language statutes in the three territories recognize more than two official languages (Hudon, 2016; Office of the Commissioner of Official Languages, 2018a).

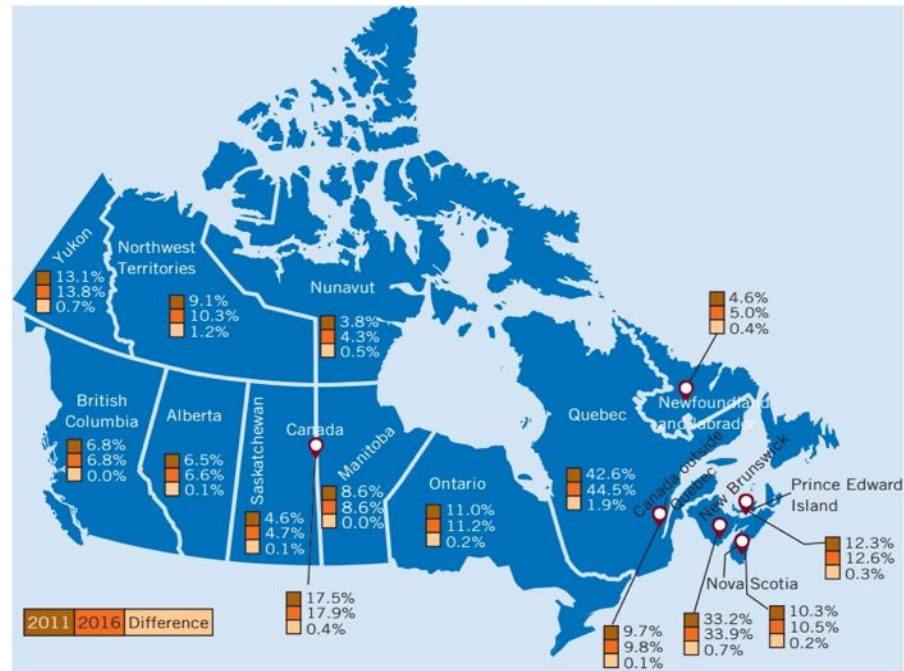
In addition to legislation, language policies have been adopted in New Brunswick, Yukon, the Northwest Territories, Manitoba, Saskatchewan, Newfoundland and Labrador, and Alberta. In British Columbia, there are no general provisions for French-language services outside of education. Figure 3-3 summarizes the policy sectors where the status of the minority language in the province or territory is recognized (Hudon, 2016).

Figure 3-3 Recognition of Minority Languages in Provincial/Territorial Policy Sectors



SOURCE: Library of Parliament. (2016a). *Language regimes in provinces and territories*. Retrieved from https://lop.parl.ca/sites/PublicWebsite/default/en_CA/ResearchPublications/201166E#img1

Figure 3-4 English–French Bilingualism in Canada, the provinces, and territories, 2011 and 2016



SOURCE: Statistics Canada. (2017, August 31). *English–French bilingualism reaches new heights*. Retrieved from <https://www12.statcan.gc.ca/census-recensement/2016/as-sa/98-200-x/2016009/98-200-x2016009-eng.cfm>

Bilingualism

The federal government has also promoted bilingualism through the financial assistance it provides for minority-language education and second-language instruction delivered by the provincial and territorial school boards. English–French bilingualism (as measured by the ability to conduct a conversation in English and French) has grown from 12.2 percent in 1961 to 17.9 percent in 2016, the highest proportion ever in Canadian history (Statistics Canada, 2017, August 31). Bilingual people are largely concentrated in Quebec and in neighbouring regions of New Brunswick and Ontario. Between 2011 and 2016, rates of bilingualism increased to a small degree in most provinces and territories. Nevertheless, the goal of encouraging bilingualism across the country has yet to be realized, as just 10 percent of people living outside Quebec can carry on a conversation in English and French (Figure 3-4).

Public opinion seems to favour continuing support for bilingualism and the objectives of the OLA. According to a 2016 survey, 88 percent of Canadians supported the OLA, with high overall support in every region. Many felt that having two official languages was positive for Canada’s international reputation and that it is one of the things that defines the country (Office of the Commissioner of Official Languages, 2018b). When Pierre Trudeau was prime minister, linguistic duality was enshrined as a key principle of Canadian public life. In the era of Justin Trudeau, global immigration and the growth of non-European languages, as well as the federal government’s intention to pass an Indigenous languages act giving formal recognition to dozens of Indigenous languages, will shape the country’s evolving linguistic identity (Abley, 2018, November 6).

Quebec Nationalism

The Constitution Act, 1867, established a federal system in which provincial governments were given exclusive jurisdiction over matters such as hospitals, municipal institutions, and property and civil rights, as well as shared jurisdiction over immigration. Each province could also make laws in relation to education, providing it did not

overstep the existing religious education rights of the Protestant or Roman Catholic minority communities in their provinces. This self-government right (Kymlicka, 1995) gave Quebec control over issues that were crucial to the survival of its distinctive culture.

By the middle of the twentieth century, however, the federal government had become more involved in provincial affairs through its power to spend money in policy areas under provincial jurisdiction. (See Chapter 12.) Successive Quebec governments became more protective of what they argued were their exclusive powers under the Constitution. As Quebec underwent major social and political changes in the 1960s, the province sought more constitutional powers to develop its economy, to protect and promote its language and culture, and to retain what it considered its traditional right to veto any constitutional changes that could detract from its powers. (See Chapter 10.) The idea of Quebec independence gained support, and in 1976 Quebec voters elected a government committed to pursuing sovereignty.

In 1980, Quebec held a referendum in which it asked voters whether they wished to establish a sovereign (independent) Quebec state that would maintain an economic association with Canada (LeDuc, 2003, p. 104). During the referendum campaign, Prime Minister Pierre Trudeau promised Quebecers that if they voted no, the federal government would begin the process of renewing the federal system. The sovereignty-association proposal was defeated by 59.6 percent of provincial voters, with a majority of francophones voting against independence. In order to counter the forces of Quebec nationalism, successive federal governments have engaged in constitutional reform, devolved certain powers to the provinces, asked the Supreme Court to clarify the terms for secession, and adopted non-constitutional measures recognizing Quebec as a distinct nation.

In 1981, the federal government and nine provinces reached an agreement on constitutional reform that would become the Constitution Act, 1982. (See Chapter 10.) The Act included formal procedures for amending the Constitution and a Charter of Rights and Freedoms but did little to satisfy the requests for change that Quebec governments, both federalist and separatist, had presented since the Quiet Revolution. Specifically, the separatist Parti Québécois government of René Lévesque refused to sign the 1981 agreement on the grounds that it failed to meet the following conditions:

- It did not recognize the character of Quebec as a distinct society.
- It restricted the provinces' exclusive rights in linguistic matters.
- The amending formula removed what Quebec considered its traditional veto over constitutional changes.
- The amending formula did not guarantee financial compensation for provinces that chose not to participate in shared-cost federal-provincial programs other than education and culture.

Despite Quebec's refusal to sign the 1981 agreement, the Constitution Act, 1982, applies to the province. Subsequently, the prime minister and all provincial leaders reached agreements on constitutional changes—the Meech Lake Accord, 1987 and the Charlottetown Accord, 1992—that included recognition of Quebec as a distinct society. However, neither accord was approved, ending efforts to achieve comprehensive constitutional reform.

A second referendum, held in September 1995, asked Quebecers whether they agreed that the province should become sovereign after having made a formal offer to Canada for a new partnership that would provide for a customs union; a monetary policy; citizenship; and the mobility of people, capital and services. The proposal was narrowly defeated by a margin of 50.6 percent to 49.4 percent.

Federal Plans A and B

The razor-thin victory for the federalist side in Quebec's 1995 sovereignty referendum led the federal government to develop two strategies to defuse Quebec nationalism. The first approach, dubbed "Plan A," was designed to convince Quebecers about the

benefits of staying in Canada. It consisted of non-constitutional initiatives that responded to some of Quebec's traditional demands. In 1996, the House of Commons passed a resolution recognizing the distinct character of Quebec's unique culture, civil law tradition, and French-speaking majority in the province. The 1996 Constitutional Amendments Act gave Quebec a form of veto over future constitutional changes.

Intergovernmental agreements that decentralized powers to the provinces were also part of the federal government's strategy following the Quebec referendum (Russell, 2006). Beginning in 1996, more powers over forestry, mining, recreation, tourism, and social housing were devolved to the provinces.

The second thrust of Ottawa's post-referendum strategy, dubbed "Plan B," was aimed at clarifying the terms for secession to make it very difficult for future referendums on Quebec's sovereignty to succeed. In April 1996, the federal government sought a ruling from the Supreme Court on three questions:

- Under the Constitution of Canada, can the National Assembly, legislature, or government of Quebec effect the secession of Quebec from Canada unilaterally?
- Is there a right to self-determination under international law that would give the National Assembly, legislature, or government of Quebec the right to effect the secession of Quebec from Canada unilaterally?
- In the event of a conflict between domestic and international law, which would take precedence?

The court ruled in 1998 (*Reference re Secession of Quebec*, 1998) that while Quebec did not enjoy a right under international or domestic law to unilateral secession, the federal government would be obligated to negotiate with Quebec if a clear majority of Quebecers responded to a clear question that they no longer wished to remain in Canada.

In response to the ruling, the Canadian Parliament passed the Clarity Act in 2000. The Clarity Act sets out the rules by which the government and Parliament would react to future referendums. It states that the government will not negotiate the terms of separation with a province unless the House of Commons has determined that the question is clear and that a clear expression of will has been obtained by a clear majority of the population. Negotiations would have to include the division of assets and liabilities, changes to the borders of the province, the "rights, interests and claims" of Indigenous peoples, and the protection of minority rights. Finally, a constitutional amendment approved by all provincial governments would have to be passed before separation could occur. This would, undoubtedly, make it extremely difficult for a province to separate from Canada.

The Quebec government retaliated with its own act respecting the exercise of the fundamental rights and prerogatives of the Quebec people and the Quebec state. It states that "the Québec people has the inalienable right to freely decide the political regime and legal status of Québec," and that a simple majority of 50 percent plus one of the valid votes cast in a referendum counts as an expression of the people's will (Statutes of Quebec, 2000, Ch. 46).

The Conservative government of Prime Minister Stephen Harper (2006–2015) pursued non-constitutional measures in a bid to temper support for Quebec independence. These included allowing Quebec to take a formal role at the United Nations Educational, Scientific and Cultural Organization (UNESCO) and persuading the House of Commons to support a motion recognizing "that the Québécois form a nation within a united Canada." Supporters of the motion argued that it would help defuse Quebec nationalism by recognizing that Quebec is a distinct sociological nation within the united civic nation of Canada. Others worried that the recognition of nationhood might legitimize future claims for sovereignty.

Quebec Independence and Public Opinion

In October 2018, Quebecers elected a majority government headed by François Legault's Coalition Avenir Québec (CAQ), following an election campaign in which the question

of Quebec independence was not a defining issue for the first time in 40 years. Among the CAQ's campaign promises was a pledge to never hold a referendum on leaving Canada (Meagher, 2018, August 1). The Parti Québécois, the party that had brought Quebec to the edge of declaring independence in the 1995 referendum, finished a distant fourth. Public opinion polls conducted over the past decade generally show that support for sovereignty has declined. A 2016 survey found that 82 percent agreed that Quebec should stay in Canada, including 73 percent of the province's francophones (CBC News, 2016, October 3).

Although sovereignty is on the back burner for now, this does not signal the end of tensions between Ottawa and Quebec. Prime Minister Justin Trudeau and Premier Legault clashed over Legault's controversial campaign promises to lower Quebec's immigration levels and to force newcomers to pass French and values tests within three years of their arrival—or face removal from the province, although enforcement of expulsions is a federal responsibility (Blatchford, 2018, October 1).

Immigration and Refugee Systems

3.3 Discuss Canada's approach to the admission of immigrants and refugees.

Many immigrant groups, propelled by desperate economic and political conditions in their home countries and/or attracted by economic opportunities, have left their homes and travelled to Canada in search of a better life. Since the late nineteenth century, the Canadian state has played a strong role in setting immigration policy, using immigration as an instrument to address labour market shortages and economic development, and to establish the cultural boundaries of the nation (Li, 1993; Satzewich, 1991). Its immigration program has also been premised upon humanitarian considerations to enable family reunions as well as to provide refugee status to those fleeing wars, persecution, or natural disasters in another country.

Immigration and Nation-Building

The Constitution Act, 1867, states that matters related to “naturalization and aliens” are within the legislative authority of the federal Parliament but that a province can also make laws regarding immigration to the province, provided they are not repugnant to federal laws. From Confederation until the 1960s, Canada's immigration policy was designed to sustain the primarily white, European character of the population. Between 1867 and 1895, 1.5 million immigrants, primarily from Europe, came to Canada to work on the land and in factories, mines, and other non-agricultural sectors (Li, 2003). The National Policy, introduced by the Conservative government in 1879, included a plan to encourage immigration to populate western Canada. (See Chapter 2.) An open-door policy was maintained for those of European origin, particularly from Britain and the United States. When immigration flows lagged, the government encouraged the settlement of Mennonites, Scandinavians, and Hungarians. Following the election of a Liberal government in 1896, a major campaign was launched to woo farmers from Eastern and Central Europe to populate and develop the agricultural potential of the Prairie provinces.

Throughout the late nineteenth and early twentieth centuries, non-white immigration was severely restricted, due to perceptions that Asians and other non-whites were unlikely to assimilate because of their racial and cultural differences (Li, 1998). Between 1880 and 1884, when the transcontinental Canadian Pacific Railway was being constructed, Chinese labourers were recruited to work on the most dangerous and least well-paid jobs. Once the railway was completed, the federal government tried to discourage the labourers from permanent settlement. It passed the Chinese Immigration Act, 1885, which introduced the “head tax” system through

which Chinese admission to Canada was made more expensive. The 1923 Chinese Exclusion Act later banned all but a trickle of Chinese immigration. Various measures were also put in place to discourage Black Americans and South Asians from entering Canada.

During the two world wars and the Depression era, immigration to Canada was greatly reduced in response to these crises. Following the end of World War II, an economic boom favoured opening up Canadian immigration policy. In 1947, Prime Minister Mackenzie King stated that the government would encourage population growth through immigration but that immigration was not to change the fundamental character of the population and that any considerable “Oriental” immigration would give rise to social and economic problems—sentiments that are far removed from contemporary immigration policy. The 1952 Immigration Act gave preferential status to immigrants from the United Kingdom, some Commonwealth countries, France, and the United States (Kelley & Trebilcock, 1998).

Several developments led to a more open and inclusive immigrant selection system in the 1960s. These factors included increased sensitivity to racial discrimination following World War II and the Holocaust, the country’s post-war participation in international organizations and agreements committed to the protection of human rights, the need for labour in a rapidly expanding economy, and a decline in applications from traditional regions as European economies recovered from wartime upheaval.

In 1962, the Progressive Conservative government of John Diefenbaker issued new regulations that eliminated overt racial discrimination from some elements of Canadian immigration policy. For the first time in Canadian history, the admission criteria for certain categories of immigrants (i.e., those who were not sponsored by relatives) would be based solely on factors such as education, work experience, and other skills, rather than on a candidate’s race or nationality. In 1967, a new points system was adopted that assessed prospective immigrants (whether they were independent or a nominated relative) on the basis of their education, occupational demand and training, knowledge of English or French, age, and related criteria. Since the removal of overtly discriminatory admissions criteria, immigration from countries in Asia, the Caribbean, Latin America, and Africa has increased substantially, as discussed in “Canada: A Multination and Polyethnic State.”

Permanent Residents

Immigrants who are permitted to live in Canada and receive certain rights and privileges, while remaining a citizen of their home country.

Provincial and Territorial Nominees

Permanent immigrants who are nominated by provinces or territories to address specific labour market and economic development needs.

Refugees

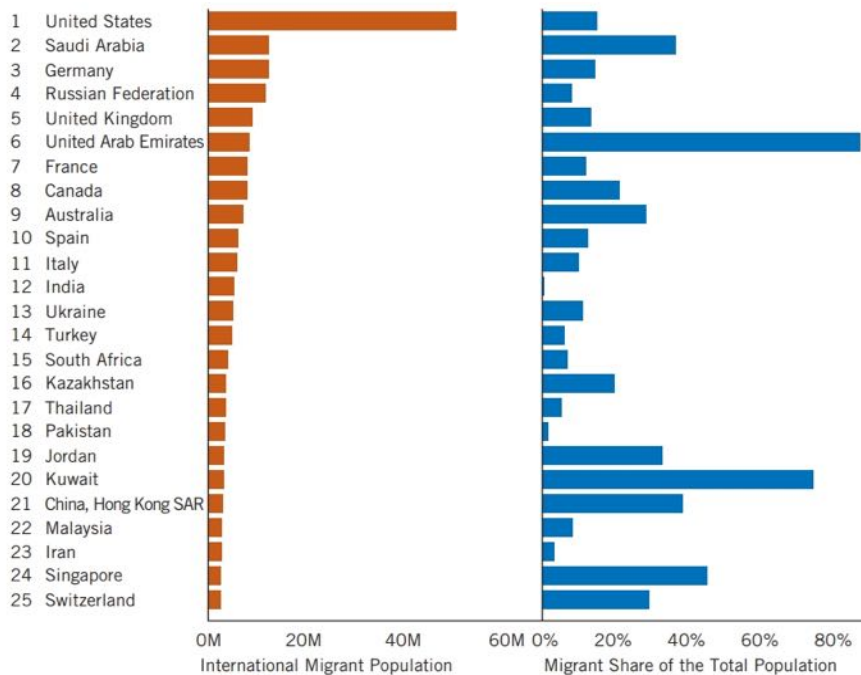
People living in or outside Canada who have a well-founded fear of persecution based on race, religion, political opinion, nationality, or membership in a particular social group.

The Contemporary Immigration System

In 2017, Canada was home to the eighth largest number of international migrants (7 861 000 million) in the world, as shown in Figure 3-5 (Migration Policy Institute, 2018). Jurisdiction over immigration is shared between the federal and provincial/territorial governments. The federal government establishes admission requirements, sets national immigration levels, defines immigration categories, determines refugee claims within Canada, and reunites families. It has signed bilateral agreements with provinces and territories on how they share the responsibility for immigration.⁴ Both the federal and provincial governments play an important role in immigrant settlement services.

Foreign nationals may apply to enter Canada on a permanent or temporary basis. The Immigration and Refugee Protection Act, 2002, identifies three categories of **permanent residents**: economic, sponsored family, and resettled refugees and protected persons. Economic immigrants are people selected for their skills and ability to contribute to the economy; these include skilled workers, business immigrants (i.e., investors, entrepreneurs, and the self-employed), **provincial and territorial nominees**, and caregivers. The sponsored family class comprises foreign nationals sponsored by close relatives or family members and includes spouses and partners, dependent children, parents, and grandparents. **Refugees** include people living in

Figure 3-5 International Migrant Population and Migrant Share of Total Population, Top 25 Countries of Destination, 2017



SOURCE: Migration Policy Institute. (2018). *Top 25 destinations of international migrants*. Retrieved from <https://www.migrationpolicy.org/programs/data-hub/charts/top-25-destinations-international-migrants?width=1000&height=850&iframe=true>.

or outside Canada who fear persecution in their home country or whose removal from Canada would subject them to torture, a risk to their life, or a risk of cruel and unusual treatment. The federal government may also grant permanent resident status to individuals who would not otherwise qualify for these three categories, for example, in cases where there are humanitarian and compassionate considerations.

Canada admitted 286 479 permanent residents from over 185 countries of origin in 2017, up from the 271 833 admitted in 2015 (Immigration, Refugees and Citizenship Canada, 2018a). The Liberal government has committed to increase annual levels of permanent immigration to 350 000 by 2021 (Keung, 2018, December 2). Labour market and economic development objectives remain priorities for immigration policy; every year since 1995, more than half of all permanent residents admitted to Canada have been economic immigrants. In 2017, 55.6 percent were from the economic category. Family class immigrants constituted the second largest group, at 28.8 percent of total permanent immigration. The humanitarian component of the program has grown in recent years. About 15.6 percent of permanent residents admitted in 2017 were refugees, protected persons, and people admitted under humanitarian considerations, up from the 2007–2015 period, when they made up 8–11 percent of all permanent admissions.

In addition to selecting permanent residents, the immigration program provides for the temporary entry of foreign nationals. Temporary immigrants include holders of work permits under various programs, international students, and **refugee claimants** who request refugee protection upon or after their arrival in Canada. Between 2007 and 2013, the number of permit holders under the Temporary Foreign Workers (TFWs) program increased from 80 052 to 107 921 (Immigration, Refugees and Canadian Citizenship, 2018b). The program allows Canadian employers to

Refugee Claimants

Temporary residents in the humanitarian population who request refugee protection upon or after arrival in Canada. The claimant receives Canada's protection when he or she is found to be a Convention refugee as defined by the United Nations 1951 Geneva Convention Relating to the Status of Refugees and its 1967 protocol or when found to be a person needing protection based on risk to life, risk of cruel and unusual treatment or punishment, or danger of torture as defined in the Convention Against Torture.

⁴ Quebec has full responsibility for the selection of immigrants (except family class and in-Canada refugee claimants) and establishes its own immigration levels. It also has sole responsibility for delivering settlement and integration services, supported by an annual grant from the federal government.

hire foreign nationals to fill temporary labour and skill shortages when qualified Canadian citizens or permanent residents are not available. Temporary foreign workers include those who are recruited to work as live-in caregivers or to fill jobs in agriculture, in the manufacturing and service industries, and in certain professions. In response to criticisms about Canada's increased reliance on TFWs and of measures allowing employers to pay them less than the provincial or territorial median wage for their occupation, caps were subsequently placed on the number of TFWs that an employer can hire for low-wage positions.⁵ By 2017, the number of work permits issued under the TFW program had dropped to 78 788 (Immigration, Refugees and Citizenship Canada, 2018a).

Between 2007 and 2013, the number of refugee claimants dropped from 28 496 to 10 375, leading some to question whether the humanitarian objectives of the immigration program were being sidelined at a time of explosive growth in the global population of individuals fleeing armed conflict and persecution at home. Since then, the number of refugee claims has been increasing, reaching over 50 000 in 2017 (Immigration, Refugees and Citizenship Canada, 2018a; 2018b). On an international scale, the numbers are much smaller than the 280 000 **asylum seekers** that Germany received in 2016 (Canadian Council for Refugees, 2017, January 12).

Asylum Seekers

Individuals who say they are refugees but whose claims have not yet been evaluated by the authorities in the country where they seek asylum.

As of late 2018, Canada had resettled 60,000 Syrian refugees fleeing armed conflict in their homeland. Canada's response to the crisis was sparked by worldwide coverage of the tragic death of toddler Alan Kurdi, who drowned after an overloaded boat carrying his family and other Syrian refugees capsized in the Mediterranean Sea.

The Refugee System

In 2018, a record 68.5 million people around the world were forced from their homes; among them are nearly 25.4 million refugees and 3.1 million asylum seekers. More than half of all refugees worldwide are from Syria, Afghanistan, and South Sudan (United Nations High Commissioner for Refugees (UNHCR), 2018, June 19). The vast majority of the world's refugees have fled to low- and middle-income countries, mainly because those are close to countries that produce significant numbers of refugees (UNHCR, 2017).

At times in its history, Canada has provided a haven for individuals feeling conflict and persecution in their countries, including providing sanctuary to American slaves travelling the Underground Railroad, displaced persons arriving from Europe following World War II, more than 37 000 Hungarians after the communist suppression of the Hungarian Uprising in 1956, about 60 000 Vietnamese in the late 1970s, and 5000 airlifted from Kosovo. As well, American war resisters were welcomed during the Vietnam War, Chileans during the brutal dictatorship of Augusto Pinochet, and persecuted Africans from Uganda more recently.

But accepting refugees has been controversial. In the 1930s, Canada begrudgingly accepted just 4000 Jewish refugees fleeing Nazi persecution. In 2015, a widely circulated, heart-rending photo of a Syrian toddler lying face down on a Turkish beach focused the world's attention on the plight of refugees. Three-year-old Alan Kurdi had drowned and washed up on shore after an overloaded boat of Syrian refugees seeking to reach Greece capsized. Critics said at the time that the Conservative government's response to the crisis in the Mideast had been inadequate. During the 2015 federal election campaign, the Liberals promised to resettle 25 000 Syrian refugees



Nitufer Demir/AFP/Getty Images

⁵ On-farm primary agriculture and the Live-in Caregiver Program are exempt from these caps.

by the end of the year. As of September 2018, Canada had resettled just under 60 000 Syrian refugees (Immigration, Refugees and Canadian Citizenship, 2018c).

Canada's refugee system has two components: the Refugee and Humanitarian Resettlement Program for people outside Canada who need protection and the Asylum Program for people making claims for refugee protection from within the country at an official port of entry or inland office. When refugees flee to countries that cannot meet their needs or where they continue to be at risk, the United Nations High Commissioner of Refugees, along with private sponsors, identify refugees for resettlement to a third state that has agreed to admit them as refugees and ultimately grant them permanent residency. In 2017, Canada was among the countries that admitted large numbers of resettled refugees (26 600). The United States resettled 33 400, a steep drop from 2016, when it resettled about 97 000 (United Nations High Commissioner for Refugees, 2017).

Individuals making refugee claims from within Canada or at a designated port of entry or inland office must have a well-founded fear of persecution or be at risk of torture or cruel or unusual punishment in their home countries. They are not eligible to make a claim if they have been convicted of serious criminal offences, made a previous claim in Canada, or have received protection in another country (Immigration, Refugees and Canadian Citizenship, 2018d). Because of its geographic location, Canada has not seen the hundreds of thousands of asylum seekers that countries such as the United States have experienced, but Canada has not been insulated from this global trend. In 2011, 25 315 asylum claims had been made at an official air, land, or marine border checkpoint or inland office. During the first ten months of 2018 alone, 46 245 asylum claims had been processed (Immigration, Refugees and Canadian Citizenship, 2018e).

As discussed in the opening vignette, a growing number of people have entered the country outside of designated ports of entry. Between February 2017 and September 2018, 34 854 refugee claims had been made by irregular border crossers fleeing the new policies of the Trump administration (Immigration and Refugee Board of Canada, 2018, November 17). When such migrants are intercepted by Canadian law enforcement officials after crossing the border, they undergo health checks, security screenings, and an interview to determine whether they are eligible to make a refugee claim (Immigration, Refugees and Canadian Citizenship, 2018d). Canada is bound by international and domestic law to assess all claims for protection made within Canada and to provide asylum seekers with due process. The Universal Declaration of Human Rights (Article 14) states that everyone has the right to seek and enjoy in other countries asylum from persecution. The 1951 UN Refugee Convention states that refugees should not be penalized for their illegal entry or stay, and should not be returned to a country where they face serious threats to their life or freedom. (See Chapter 17.) Furthermore, the Supreme Court ruled in 1985 that the Charter of Rights and Freedoms guarantees the rights of refugee claimants to fundamental justice and the right to an oral hearing of their claim (known as the "Singh Decision").

Conservative Era Reforms

The Harper Conservative government overhauled Canada's immigration system, although a number of these changes were undone by the courts or by the Liberal government when it took power in 2015.

In response to criticisms that Canada's asylum system had been too soft on allowing "bogus" refugees to enter Canada and too lax in allowing rejected asylum seekers to remain in the country for too long, the Protecting Canada's Immigration System Act was passed in 2012. Its aim was to provide faster protection to bona fide refugees and faster removal of those who are not (Citizenship and Immigration Canada, 2012). One

of the more contentious aspects of the law sorted refugee claimants into two groups: those from democratic countries deemed safe and those from more dangerous spots. Designated safe countries of origin include countries that do not normally produce refugees, that have a robust human rights record, and that offer strong state protection. Under this system, unsuccessful applicants lost their right of appeal and were deported more quickly. In making the changes, the government argued that the previous system had been encouraging people to make unfounded claims, knowing they would be able to live and work in Canada for many years, while genuine refugees were forced to wait.

Critics argued that safe-country lists are politically motivated and flawed, as even well-established democracies sometimes fail to protect their citizens from persecution (Schmitz, 2010). Human rights organizations maintained that countries such as Hungary, which has been designated as a safe country, have done little to protect the Roma and other minorities from violence and discrimination. In 2015, the Federal Court ruled that the policy denying refugee claimants the right to appeal a negative decision based on their country of origin violated the Section 15 Charter right to equality under the law and non-discrimination (Canadian Council for Refugees, 2015, July 24).

The Protecting Canada's Immigration System Act also contained measures to combat human smuggling, a global criminal enterprise in which smugglers charge people large sums of money to help them reach another country illegally. These were prompted by the arrival off the British Columbia coast in 2009 and 2010 of two cargo ships carrying hundreds of Tamil-speaking refugee claimants. The arrival of the *MV Sun Sea* in 2010 raised questions about the reasons that the passengers had made the perilous voyage across the Pacific Ocean. The arrivals responded that they were refugees seeking asylum under the 1951 United Nations Refugee Convention, which Canada has signed. They said they were in danger of being killed by the Sri Lankan government, which had carried out violent reprisals against many Tamil civilians following the end of a 25-year civil war against Tamil separatists. Some Canadians questioned this version of the story, suggesting that the passengers were not genuine refugees but terrorists and criminals or that they were economic migrants trying to jump the immigration queue (Literary Review of Canada, 2011). Some called for them to be sent back to sea, recalling what Canada did in 1939 when it forced more than 900 Jewish refugees aboard the *MS St. Louis* to return to Nazi-dominated Europe.

In an attempt to discourage a repeat of other dramatic incidents, the new Act gave the Minister of Public Safety the power to designate the arrival of a group of people as an "irregular arrival" and a "human smuggling event." It also imposes mandatory minimum prison sentences for those convicted of human smuggling and allows prosecutors to apply greater penalties to ship owners and operators involved in smuggling. In addition, it makes it mandatory to detain those deemed to have arrived in an irregular manner until the identity of a claimant has been established and a refugee claim approved (Citizenship and Immigration Canada, 2011a).

In 2012, the Conservatives introduced a policy denying health care to failed refugee claimants and to refugee claimants from countries that Ottawa deemed safe. Refugee and medical advocacy groups challenged the policy. The government had argued that it had the right to try to deter bogus claimants from coming to Canada by denying them medical care. It said the cuts would save \$80 million over four years and those denied care could turn to charity, emergency rooms, or private insurance. In 2014, this policy was struck down by the Federal Court on the grounds that it was a form of "cruel and unusual treatment" that intentionally

targeted vulnerable children and adults, in violation of Section 12 of the Canadian Charter of Rights and Freedoms.

In 2015, the Zero Tolerance for Barbaric Cultural Practices Act created new measures under the Immigration and Refugee Protection Act that rendered permanent and temporary residents inadmissible to Canada if they practise polygamy, criminalized conduct related to early and forced marriages, and limited the defence of provocation so that it would not apply in “honour” killings and many spousal homicides (Government of Canada, 2015, June 18). In 2018, Parliament passed a bill to remove the term “Barbaric Cultural Practices” from the Act, after the bill’s sponsor argued that the law implies that these practices are part of cultures and that these cultures are barbaric (Smith, 2017, December 12).

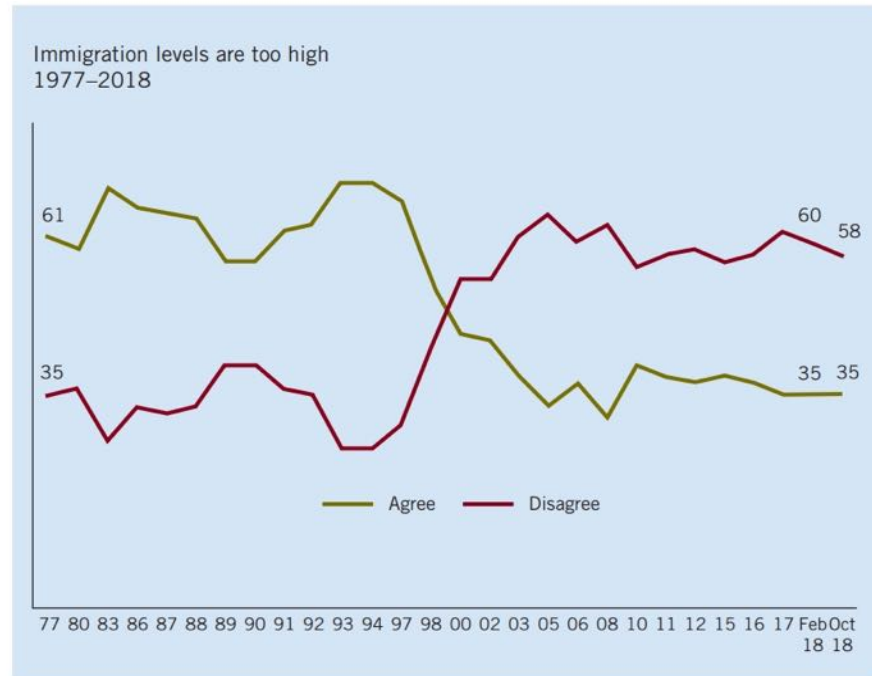
Immigration Debates and Public Opinion

While the United States is deeply polarized on issues related to immigrants and refugees, Canada is generally positive about immigration and its active role in resettling refugees. Griffith & Adams (2018, March 27) attribute the differences to the following factors:

- Canada’s three oceanic boundaries, which limit the number of unauthorized immigrants who can reach Canadian shores
- Canada’s multinational character and history of subsequent accommodation between British and French settlers
- Policies of accommodation and compromise that have shaped Canada’s approach to newcomers
- Canada’s stronger social safety net (discussed in Chapter 4)

Canadians tend to be more positive about immigration than are people in other countries. While a median of 45 percent of individuals in 27 countries said that fewer or no immigrants should be allowed to move to their country, in Canada only 27 percent expressed those sentiments in 2018. Strong majorities in Greece, Hungary, Italy, and Germany—some of the most popular transit or destination countries during Europe’s surge in asylum seekers in 2015—said fewer or no immigrants should be allowed to move to their countries (Connor & Krogstad, 2018, December 10). When Canadians were asked in 2018 whether they felt immigration levels were too high, about six in ten Canadians disagreed—a finding that has remained stable for a decade. (See Figure 3-6.) Canadians’ relative comfort with immigration is partly grounded in the view that it is good for the economy. Younger Canadians, those with higher levels of education and income, and Liberal Party supporters tend to be more positive about immigration (EnviroNics Institute, 2018a).

Canadian public opinion is more divided about the legitimacy of refugees. In 2018, about 41 percent agreed that most people claiming to be refugees are not real refugees, compared with an equal proportion (40 percent) who disagree. The record number of asylum seekers arriving at the U.S.–Canadian border has raised concerns in some quarters about security and the costs of resettlement. The premiers of Ontario, Quebec, and Manitoba called on the federal government to review its policy on irregular border crossings and to compensate the provinces for those costs. The City of Toronto, for example, estimated that the costs to the city budget for housing refugee claimants in motels and dorms and providing food and other support services at about \$72 million (Grant, 2018, September 11). A 2018 poll found that 67 percent of Canadians viewed the situation as a “crisis” and that Canada’s ability to handle it was at a limit, while 33 percent felt the issue was being overblown by politicians and the media (Maloney, 2018, August 3).

Figure 3-6 Canadian Attitudes About Immigration Levels, 1977–2018

NOTES: Overall, there is too much immigration in Canada

SOURCE: Environics Institute. (2018a). *Focus Canada—Fall 2018*. Retrieved from https://www.environicsinstitute.org/docs/default-source/default-document-library/focus-canada-fall-2018—final-report.pdf?sfvrsn=fe91cb12_0

Racial, Ethnic, and Religious Minorities and Immigrant Integration

3.4a Learn about the experiences of racial, ethnic, and religious minorities in Canadian history.

3.4b Discuss Canada's approach to immigrant integration and citizenship.

Canada is celebrated as a country that is tolerant of cultural diversity. However, members of ethnic, racial, and religious minorities have often suffered discrimination and exclusion from political and social life. Federal and provincial governments have adopted a variety of measures that offer individuals protection from discrimination, although a limited set of collective rights also exist. For most of Canada's history, Canada generally encouraged immigrants to assimilate into the dominant—usually anglophone—culture. That policy changed in 1971 with the adoption of official multiculturalism, which allows Canadians to practise the culture of their choice while retaining Canadian citizenship.

Discrimination and Exclusion

In the nineteenth century, sympathetic Canadians assisted thousands of Black slaves who fled to Canada from the United States on the "Underground Railroad." However, after settling in Canada, the refugees faced discrimination and social exclusion. For example, in 1946 Viola Desmond, a Nova Scotia businesswoman, was forcibly removed from a movie theatre in New Glasgow and arrested when she refused to move from the white section and sit in the Black balcony, where she said she could not see the film.⁶ This incident led to a lengthy political struggle to end Nova Scotia's segregation law, which was finally revoked in 1954. In 2018, \$10 banknotes commemorating

Desmond officially entered circulation, the first time a Canadian woman has been celebrated on the face of Canadian currency.

In the 1920s, the Ku Klux Klan, notorious for its violence against Blacks and its hatred of Catholics, established “klans” in many Canadian communities. In Saskatchewan, where it claimed to have 40 000 members, the Klan campaigned against Liberal Premier Jimmy Gardiner, burning crosses at his rallies among other activities. The Conservatives defeated the Liberals in the 1929 provincial election, aided by support from the Klan. However, the Klan, which had no platform other than bigotry and conspiracy theories, quickly faded from the scene and did not influence the Conservative government (Robin, 1992).

As discussed in “Immigration and Refugee Systems,” prejudice against Asian immigrants was common. In 1907, the Asiatic Exclusion League was formed in Vancouver to try to stop Asian immigration. Riots occurred as thousands of members and supporters of the racist league marched through Chinatown and Japantown smashing windows. The areas were placed under martial law and, for days, fearful Chinese and Japanese residents avoided going into the streets. The exclusion of persons of Chinese, Japanese, and East Indian ancestry from voting in federal elections lasted until 1948.

The religious divide between Catholics and Protestants was once an important feature of Canadian politics. In the 1880s and 1890s, strong anti-Catholic and anti-French sentiment was politicized through such groups as the Equal Rights Association and the Protestant Protective Association, which called for an end to the Catholic Church’s privileges and publicly funded Catholic schools, while raising fears about a Catholic takeover of Canada. In the 1920s and 1930s, anti-immigrant sentiment was fuelled by concerns that large-scale immigration from southern and eastern Europe would increase the influence of Catholicism and undermine efforts to assimilate newcomers to the dominant British-oriented culture.

Certain minority religious groups (e.g., the Doukhobours) were excluded from the right to vote until 1955. Anti-Semitism has also had a significant presence in Canada, with Jewish people suffering various forms of discrimination. In 1933, a six-hour violent brawl occurred at Christie Pits (Willowvale Park) in Toronto after an anti-Semitic club displayed a large Nazi swastika and shouted “Heil Hitler” at a softball game in which a mainly Jewish team participated. As Jews fled Nazi oppression and extermination in Europe, the Canadian government was willing to accept only a tiny number of Jewish refugees (Abella & Troper, 2000). More recently, synagogues and Hebrew schools have continued to be vandalized and desecrated.

Likewise, Canada’s growing Muslim population faces considerable animosity. In particular, the face-covering veils and other clothing of some Muslim women, along with the wearing of religious symbols by public sector employees, has been controversial. In 2017, a record high 2073 hate crimes were reported, with the majority of cases targeting Muslim, Black, and Jewish communities (Yang, 2018, November 30). In January 2017, a deadly attack on a Quebec mosque left six people dead and many others injured, prompting the Canadian Security Intelligence Service to probe the rise of far-right movements targeting Muslim and Jewish communities and the spread of extremist views on the Internet (Boutilier, 2018, October 9). A related tension is the question of racial profiling used by police and security agencies. Members of the Black community are both subject to greater police surveillance and more likely to get caught when they do break the law (Wortley & Tanner, 2004). Muslim Canadians also feel they are often subject to tighter-than-justified security surveillance (Kahn & Saloojee, 2003).

⁶ Because Viola Desmond had paid for a ticket in the balcony, she was convicted and jailed for defrauding the Canadian government of one cent—the difference between the balcony and floor ticket prices. In 2010, Nova Scotia’s Black lieutenant-governor, Maryann Francis, signed an official pardon for Viola Desmond.



A memorial in remembrance of the victims of the 2017 shooting at a Quebec city mosque.

Anti-Discrimination Measures

Protections from discrimination are primarily guaranteed to individuals, but a limited number of collective rights exist.

HUMAN RIGHTS ACT The Human Rights Act, 1977, prohibits discriminatory practices against individuals based on their race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability, or conviction for an offence for which a pardon has been granted. The current law applies to the employment, business, and service delivery practices of the federal government and

federally regulated industries, such as the airlines, banks, television and radio stations, interprovincial communications, and telephone and transportation companies as well as to First Nations. Throughout the 1960s and 1970s, the provinces also put in place human rights codes or charters to protect individuals from various forms of discrimination by a business, non-business organization, government department, public agency or institution (e.g., school board), or individual.

In recent times, political opponents have clashed over the Act's hate speech provisions. In 2013, a Conservative private member's bill was passed to scrap Section 13, which banned the communication of messages by telephone or on the Internet that expose a person or persons to hate on the basis of their race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability, or conviction for an offence for which a pardon has been granted or in respect of which a record suspension has been ordered. Proponents of the bill argued that Section 13 limited freedom of speech, while human rights lawyers and groups such as the Canadian Bar Association argued that removing it would allow the proliferation of hate speech on the Internet (Canadian Bar Association, 2012). Criminal Code provisions against hate speech remain in place.

THE CHARTER OF RIGHTS AND FREEDOMS, 1982 Section 15 of the Charter guarantees all individuals the right to equal protection and equal benefit of the law without discrimination based on race, national or ethnic origin, colour, religion, sex, age, or mental or physical disability. It also allows for programs designed to assist individuals or groups, including those that have been disadvantaged because of their personal characteristics, including race, national or ethnic origin, colour, and religion. Examples of such measures include the Employment Equity Act discussed in the next section. Thus, Section 15 may be seen as extending both individual and collective rights. In addition, the Charter's recognition of Canada's multicultural heritage (s.27) has been used by the Supreme Court to uphold legislation aimed at preventing the expression of hatred against religious and racial minorities. As discussed in Chapter 10, the Charter applies to legislation passed by the Canadian Parliament and provincial legislatures and to the actions and policies of the Canadian, provincial, territorial, and municipal governments, as well as to agencies under the control of government or carrying out government policies.

EMPLOYMENT EQUITY ACT In 1983, the Royal Commission on Equality in Employment (the Abella Commission) called for legislated employment equity to provide employment opportunities not just for women but also for visible minorities, people with disabilities, and Indigenous people. This led to the passage of the

first Employment Equity Act in 1986. The term employment equity was preferred to affirmative action because the latter term was associated with the use of quotas and “reverse discrimination” against white males.

The 1995 Employment Equity Act, which still applies today, aims to achieve equality in the workforce so that no one is denied employment opportunities for reasons that are unrelated to ability. It covers several types of employers: the federal public service; federally regulated employers in the private sector and Crown corporations with more than 100 employees; and other public sector employers with 100 or more employees (e.g., Canadian Forces, Royal Canadian Mounted Police, Canada Revenue Agency).

The Act’s principal goal is to correct the disadvantage in employment experienced by women, Indigenous peoples, people with disabilities, and members of visible minorities. Employment equity does not involve quotas or require that the employer hire or promote people who are not qualified for the work. It requires employers to eliminate employment barriers against people in designated groups and to institute policies to ensure that people in the designated groups achieve a degree of representation in the employer’s workforce that reflects their representation in the Canadian workforce (Department of Justice, 2009). A workforce is considered fully representative when the representation of designated group member is at parity with their availability in the Canadian labour market.

Employers have to produce an employment equity plan, including goals and a timetable, as well as progress reports detailing the measures they have undertaken to improve the workforce representation of the four designated groups. The reports are forwarded to the Canadian Human Rights Commission, and a fine can be imposed on employers for failure to file. Since the extension of the law on employment equity in 1995 to all departments and agencies, there has been a significant increase in the representation of women, persons with disabilities, Indigenous people, and visible minorities in the federal public service. In 2016, the representation of all four employment equity groups exceeded their respective workforce availability (Treasury Board of Canada Secretariat, 2018, April 26).

Multiculturalism

In 1971, Canada became the first country in the world to adopt a policy of official multiculturalism, recognizing cultural diversity as a cornerstone of the Canadian identity and the model for incorporating members of ethnic groups into Canadian society. The landmark policy marked a new approach that encourages individuals to embrace the culture and tradition of their choice, rather than assimilate into the dominant culture.

Official multiculturalism was introduced in response to the recommendation from the Royal Commission on Bilingualism and Biculturalism that Canada adopt an official policy of multiculturalism and multilingualism as a means of integrating immigrants into Canadian society. Prime Minister Pierre Trudeau instead chose to promote a policy of multiculturalism within a bilingual framework. The main objectives of the policy were to

- help cultural groups to retain and foster their identity,
- help members of all cultural groups to overcome cultural barriers to their full participation in Canadian society,
- promote creative exchanges among all Canadian cultural groups, and
- assist immigrants in learning at least one of Canada’s official languages.

The Canadian government followed through by providing financial grants to ethnic and immigrant organizations and funding ethnic studies programs at universities; official language training; and initiatives to help ethnic minorities in the areas of human rights,

Official Multiculturalism

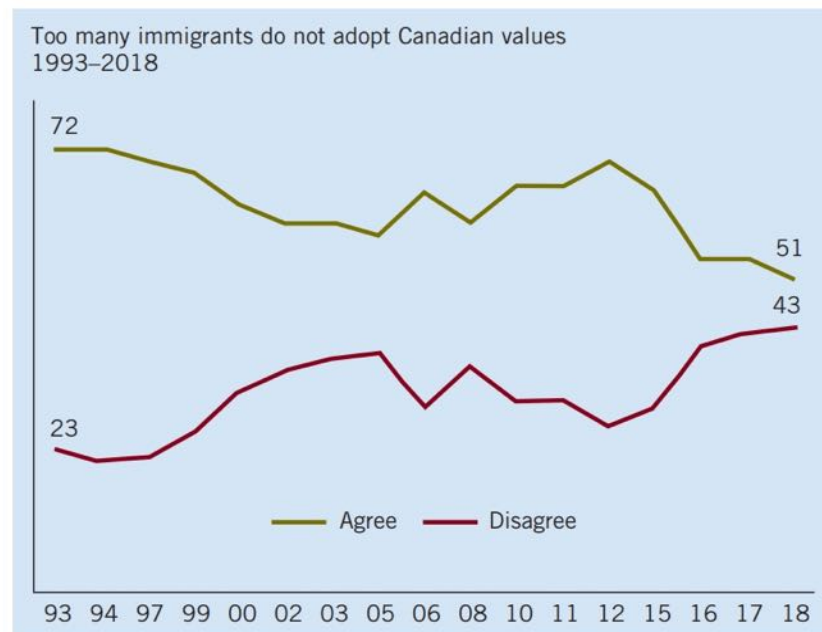
A policy introduced in 1971 that encourages individuals to embrace the culture and tradition of their choice while retaining Canadian citizenship.

racial discrimination, citizenship, and cross-cultural understanding (Mahtani, 2002). The policy gained further momentum after ethnic groups successfully lobbied for the inclusion of a clause in the Charter of Rights and Freedoms recognizing Canada's multicultural heritage. In 1988, the Progressive Conservative government passed the Multiculturalism Act, which included the objectives of assisting in the preservation of culture and language, reducing discrimination, enhancing cultural awareness and understanding, and promoting culturally sensitive institutional change at the federal level.

Funding for multicultural programs was cut back in the 1990s as part of the government's overall debt- and deficit-reduction strategy—and in response to criticisms that the existing program was undermining the development of immigrant attachments to Canada. Beginning in the 1990s, the program's focus shifted to removing discriminatory barriers for the growing number of visible minority immigrants whose main concerns were finding employment, housing, and education and fighting discrimination (Dewing & Leman, 2006). New program objectives began placing more emphasis on promoting Canadian values such as democracy, freedom, human rights, and the rule of law (Citizenship and Immigration Canada, 2009).

Since the adoption of multiculturalism, Canadians have debated its impact on the integration of immigrants and their children. Supporters have argued that multiculturalism helps newcomers feel more welcome, leading to a stronger sense of belonging in Canada. Critics have countered that it has weakened national identity and could lead to the possible infringement of human rights, and of women's rights in particular (Jedwab, 2005). Critics have argued that it encourages immigrants to isolate themselves in distinct enclaves and away from "mainstream" culture (Bissoondath, 1994). Quebecers have also expressed uneasiness about the federal multiculturalism policy since its beginnings. Many have viewed multiculturalism as an attempt to dilute the French fact in Canada and to weaken the status of francophones. Between 1993 and 2018, public opinion polls suggest that concerns about immigrants not adopting Canadian values have waned over time. In 2018, 51 percent agreed that too many immigrants do not adopt Canadian values, the lowest percentage since the question was first asked in 1993. (See Figure 3-7.)

Figure 3-7 Public Attitudes About Immigrants and the Adoption of Canadian Values 1993–2018



SOURCE: Environics Institute. (2018b). *Focus Canada—Winter 2018*. Retrieved from https://www.environicsinstitute.org/docs/default-source/project-documents/focus-canada-winter-2018-immigration-and-minority-groups/focus-canada-winter-2018-survey-on-immigration-and-minority-groups-final-report.pdf?sfvrsn=ede94c5f_2

Immigrant Integration

The extent to which immigrants have been successfully integrated into Canadian society is a widely discussed topic. **Integration** describes the process through which an immigrant becomes a contributing member of the host society. There are different types of integration:

- economic integration refers to the process of finding a job and earning an income that matches one's educational and experiential background;
- political integration refers to participation in electoral processes and other forms of political engagement;
- social integration describes the participation of immigrants in Canadian institutions;
- cultural integration describes the processes of learning about the host culture and its values and norms (Heckmann, 1997);

Until the mid-twentieth century, immigrants to Canada were considered responsible for their own integration. Since then, governments at various jurisdictional levels and nonprofit organizations, often in partnership with governments, offer programs and services to help newcomers meet their immediate settlement needs (e.g., interpretation; language classes; employment supports; information about community services, schools, and health care, etc.) as well as their longer-term needs. Research suggests that the process of integrating immigrants is working better in Canada than in other countries and that multiculturalism policy has played a role in this success (Kymlicka, 2009). Immigrants and minorities express high levels of pride in Canada and praise the country's freedom, democracy, and multiculturalism (Adams, 2007). Immigrants to Canada and visible and religious minorities also fare better than most, if not all, foreign-born populations in other Western democracies. For example, the children of immigrants have better educational outcomes in Canada than in other countries (OECD, 2006 cited in Kymlicka, 2009) and earn more than Canadians whose parents were born in this country (Corak, 2008). Canadian neighbourhoods with a high concentration of immigrants are not characterized by the same levels of poverty and social isolation that can be found in the "ghettos" of major American or European cities (Hiebert, Schuurman, & Smith, 2007).

Yet, despite these programs and official multiculturalism, injustices persist. Immigrants, particularly newcomers, are more likely than Canadian-born individuals to experience chronic low incomes for five consecutive years or more (Picot & Lu, 2017, September 29). Visible minorities are more likely to experience higher poverty levels than whites in general. There are also concerns about the immigration system's emphasis on selecting highly educated and skilled immigrants, only to see many of them underemployed in low-wage jobs following their arrival because their foreign education credentials and work experience are not recognized (Grant & Sweetman, 2004; Picot & Hou, 2003).

In terms of political integration, immigrants in Canada are much more likely to become citizens than are immigrants in other Western democracies (Bloemraad, 2006). Furthermore, more foreign-born citizens are elected to Parliament than in any other country (Adams, 2007). Political parties run minority candidates in competitive ridings, and once they are nominated there is no evidence that Canadian voters in general discriminate against these candidates (Tossutti & Najem, 2002). As discussed in Chapter 14, the proportion of immigrants and visible minorities elected to the House of Commons was below their presence in the population. However, if the proportion of visible minorities who are citizens is used as the benchmark, then visible minorities have achieved close to parity in representation (Adams & Griffith, 2016).

Integration

The multidimensional process through which an immigrant becomes a contributing member of the host society.

Reasonable Accommodation

Conflicts between established members of a community and newcomers are not uncommon in polyethnic societies. For example, secularism and religion are controversial subjects in Quebec, where the Quiet Revolution involved a revolt against the dominance of the Catholic Church in politics and society. (See Chapter 2.) Debates about how to accommodate the requests of cultural and religious minorities for differential treatment illustrate how easily these tensions may be ignited.

Beginning in 2006, sometimes incendiary or exaggerated media reports of “excessive” accommodations prompted calls from the public for a tougher approach to immigrants and minorities. Part of the population felt that some minority group practices threatened Quebec’s core values. In response to perceptions of a growing crisis, Premier Jean Charest appointed the Bouchard–Taylor Commission in 2007 to examine accommodation practices in Quebec and other societies, to conduct public consultations, and to recommend accommodation practices that conformed to Quebec’s values. The commission report discussed numerous controversies that had arisen over the accommodation of minority religious practices. One such incident involved a spat in 2006 between members of a Montreal YMCA and leaders of a neighbouring Hasidic Jewish congregation. The trigger was a decision by the YMCA management to install frosted glass windows in place of the regular glass in the windows of its exercise room. The congregation had asked and paid for the frosted windows because it was concerned that its younger male members could view “scantily clad” women exercising through the regular glass. The installation of the frosted windows prompted a complaint from YMCA members who objected to the accommodation. The conflict was resolved when the YMCA announced that it would replace the frosted glass with regular glass equipped with blinds.

After extensive study, the Bouchard–Taylor Commission concluded that Quebec society had made significant strides in accommodating cultural diversity and that there was no indication of a crisis in public institutions. Nevertheless, it noted the need for improved intercultural understanding and pointed out the existence of xenophobic and even racist sentiments against Muslims and Jews. It recommended providing cultural sensitivity training for journalists and the staff of all public institutions, encouraging state- and partly state-controlled institutions to adopt policies on accommodating cultural and religious diversity, and reinforcing the principle of state neutrality and the separation of church and state.

In late 2008, the Quebec government announced that new immigrants in the economic and family reunification categories must sign a pledge to “respect the common values of Quebec society.” These include gender equality, the rule of law, and the separation of church and state. The long-running debate over the place of religious minorities in the province was reignited with the passage of the religious neutrality law in 2017 and the tabling of a proposed secularism bill in 2019. (See Box 3-2: The Debate Over Secularism and Religious Freedoms.)

Citizenship: Defining “Who Belongs”

Canadian citizenship was not established until 1947, marking another significant symbol of independent nationhood. Prior to that, both native-born and naturalized citizens were British subjects. Canadian citizenship means having legal status, sharing equally in the rights and responsibilities that belong to each Canadian, and taking an active part in Canadian society. Citizens possess important rights that are not enjoyed by permanent residents, such as the right to vote and to run for political office in federal and provincial elections, the right to hold certain public offices, and the right to hold a Canadian passport. Canadian citizenship is highly valued around the world.

Box 3-2 The Debate Over Secularism and Religious Freedoms

In 2017, the Liberal government of Quebec passed Bill 62. The controversial law prohibits people who work in the public sector—employees of government departments, schools, daycares, hospitals, and public transit—and the people using these services, from covering their faces. Effectively, the bill bars Muslim women wearing face-covering niqabs and burkas from using a city bus, attending a public school at any level of education, or attending a medical appointment. Another part of the bill allows for personal exemptions from the rules unless security or identification issues are involved or a certain level of communication is required.

Bill 62 had strong public support inside Quebec. The province's three main political parties favoured placing varying degrees of restrictions on the display of religious wear in the public service. However, critics said it amounted to discrimination against Muslim women. A coalition of Muslim and civil rights advocates, and Warda Naili, a Quebec woman who converted to Islam and wears a niqab, challenged the law in court, arguing that it violates religious freedoms under the Canadian and Quebec charters of rights.

In December 2017, a Quebec superior Court granted a temporary suspension of the section dealing with face coverings until the government adopted guidelines outlining how the restrictions on face coverings would work in practice. Several months later, the government released its guidelines for assessing requests for religious accommodation. The guidelines say that exemptions to the law can be granted only if the demand is serious, does not violate the rights of others, and does not impose "undue hardships."

Just days before the guidelines for assessing requests for religious accommodations were to go into effect, the Quebec superior Court issued a second stay of the face-covering law on the grounds that it appears to violate the Canadian and Quebec charters, which provide for freedom of conscience and religion. The court decision meant that women who wear the niqab or burka in Quebec could continue using public services without showing their faces (Peritz, 2018 June 26).

The controversy did not end there. In 2019, the provincial government headed by Coalition Avenir Québec Premier François Legault tabled Bill 21. The bill proposes to prohibit public servants in positions of authority, such as police officers, teachers, prison guards, and judges, from wearing religious symbols (e.g., turbans, hijabs, crosses, and Jewish kippahs). Current employees would be exempt from the religious symbols restrictions providing they remain in the same job. The bill also sets out the rules that would require citizens to uncover their faces to receive a public service for identification or security purposes. If the bill becomes law, the government has promised to remove the crucifix that hangs above the speaker's chair in the National Assembly. Although opponents of the legislation denounced it as discriminatory toward women and religious minorities, Legault maintained that it affirms Quebec's distinctiveness and desire to separate church and state (Lowrie, 2019, March 31). The bill also invokes Section 33 of the Charter of Rights and Freedoms, which allows provincial or federal authorities to override sections of the Charter dealing with fundamental freedoms (including freedom of conscience and religion), legal rights, and equality rights, for a five-year-period. (See Chapter 10.)

The path to Canadian citizenship for newcomers is relatively open. Immigrants who apply for citizenship must be at least 18, but parents may apply on behalf of their minor children. They must also be able to speak English or French and to demonstrate knowledge of Canada and the rights and responsibilities of citizenship. This knowledge is evaluated in a written test or oral interview. The final step in becoming a citizen is to take the oath of citizenship at a public ceremony, where a citizenship judge administers the oath and presents each new Canadian with a Certificate of Canadian Citizenship. Canadians can take on citizenship in another country without automatically losing their Canadian citizenship. Citizenship applications are turned down for various reasons, including being charged with or convicted of certain crimes in Canada or abroad; being investigated for, charged with, or convicted of a war crime or a crime against humanity; and posing a security risk (Citizenship and Immigration Canada, 2014).

In 2016, Canada's naturalization rate fell to 82.7 percent from the 85.6 percent reported in 2011. Former senior immigration official Andrew Griffith has attributed the drop to legislative and policy changes that tightened residency requirements, expanded the number of people who needed to pass language and knowledge tests before qualifying for citizenship, and raised the citizenship application fee (Griffith, 2018, March 20). The Strengthening Canadian Citizenship Act, passed in 2014 under

the Harper Conservative government, also included new rules allowing the government to revoke Canadian citizenship from dual citizens who are convicted of terrorism, treason, or spying, or from dual citizens who have served as members of an armed force of a country or an organized armed group engaged in armed conflict with Canada. This would include even those individuals born in Canada.

After their election in 2015, the Liberals repealed many of the previous government's controversial changes to how people acquire or lose Canadian citizenship. In 2017, the Citizenship Act was amended so that citizenship cannot be revoked from dual citizens convicted of treason, spying, or terrorism offences. The number of years an applicant had to be physically present in Canada before applying for citizenship was shortened from four out of six years, to three out of five years. The age range for meeting language and knowledge requirements was reduced from 15–64 years to 18–54 years. After the government relaxed language and residency rules, citizenship applications surged. However, high citizenship application fees remain a barrier for immigrants with limited finances (Harris, 2017, December 28).

The Conservative government had also developed a controversial new guide to help newcomers prepare for their citizenship test. The guide emphasized the importance of obeying the law, voting in elections, volunteering, and knowing the country's military history. It included new items intended to articulate Canadian values (Citizenship and Immigration Canada, 2011b):

- Canada's openness and generosity do not extend to "barbaric cultural practices that tolerate spousal abuse, honour killings, female genital mutilation, forced marriage or other gender-based violence."
- Canada's diversity includes gay and lesbian Canadians, who enjoy the full protection of and equal treatment under the law, including access to civil marriage.

Following the 2015 election, the Liberals set about revising the citizenship guide, including removing references to barbaric cultural practises as being against Canadian law (Wright, 2018, July 31). At the time of writing, the new guide had not yet been released.

Summary and Conclusion

Cultural diversity is part of Canada's DNA, a sociological fact that will persist as international migration and intercultural relationships contribute to an increasingly complex cultural landscape. The challenge of building a unified political community in a state that is home to a multinational and polyethnic population is closely tied to questions of democracy and good government. Each day, public officials must determine whether the principles of freedom and equality that underpin democratic values are best served by treating all citizens in the same way, regardless of their cultural background, or whether national minorities and ethnic groups should enjoy special group rights so that they may fully participate in the broader society. Their decisions reflect whether Canadians agree that "good government" includes the accommodation of the requirements of minorities.

Canada's response to fulfilling the lofty goals of democracy and good government in a multinational and polyethnic state has been to grant a combination of individual and collective rights to members of national minorities and ethnic groups. Official attitudes about the desirability of cultural diversity have undergone fundamental shifts throughout Canadian history. The Canadian nation-building project has evolved from relying on racially exclusionary immigrant selection criteria and an assimilationist integration model to adopting more open immigration and citizenship policies and a multicultural approach to admitting and accommodating newcomers. Right now, Canada is under strain as it struggles to respond to ever-growing diversity in a way that upholds liberal democratic values. How Canadians resolve these tensions will be watched closely both at home and abroad in other states facing similar challenges.

Discussion Questions

1. Should the state concentrate on protecting the individual rights of its citizens, or should it also recognize collective rights that would entitle national minorities or ethnic groups specific rights and powers that are not enjoyed by other Canadians?
2. Should public institutions accommodate the cultural and religious needs of particular ethnic groups? Why or why not?
3. Should Canada admit more immigrants and refugees than current levels? Why or why not?
4. Should Canada's immigration policy prioritize economic, family reunification, or humanitarian goals?
5. By international standards, Canadians have been relatively supportive of immigration and multiculturalism. Do you think these attitudes might change? If so, why? If not, why not?
6. Does multiculturalism strengthen or undermine the Canadian identity?
7. What is the most effective method for states to combat discrimination against ethnic, racial, and religious minorities?

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Chapter 4

The Canadian Economy, Inequality, and the Environment



Frank Gurn/The CP Images

In November 2011, the First Nation community of Attawapiskat in northern Ontario was in desperate need of suitable housing. Pictured here, a one-room shack in this community



Learning Objectives

After reading this chapter, you should be able to

- 4.1** Outline the basic features of the Canadian economy.
- 4.2a** Discuss the issues relating to foreign ownership and investment.
- 4.2b** Evaluate the United States–Mexico–Canada Trade Agreement.
- 4.3** Examine the role of government in the Canadian economy.
- 4.4** Discuss the extent of economic inequality in Canada.
- 4.5** Examine the relationship between the environment and the economy.

As winter approached in November 2011, Chief Theresa Spence declared a state of emergency in the First Nation community of Attawapiskat, located near the shore of James Bay in northern Ontario. The community was in desperate need of shelter, as many people were living in tents, uninsulated sheds, and mouldy one-room houses. There was also a lack of toilets and running water, and the school was contaminated with oil. About 60 percent of the adults in the community were unemployed.

With little response from the Canadian government, area New Democratic Party Member of Parliament Charlie Angus repeatedly raised the issue in the House of Commons, and the story of “third world” conditions received national and international media attention. The Red Cross responded to the emergency by supplying wood stoves, toilets, plastic sheeting, and other essentials. The Canadian government claimed that \$90 million in funds that had been given to the community over a period of five years had been mismanaged (a claim vigorously rejected by Chief Spence). The Canadian government appointed an outside manager to control finances for several months for a fee of \$1300 per day charged to the band council. (The appointment of an outside manager was later ruled “inappropriate” by the Federal Court.) As public outrage mounted, the Canadian government agreed to send 22 modular homes to the community.

Attawapiskat is about 90 km west of the billion-dollar Victor diamond mine. De Beers, a leading diamond company, uses the brand’s traditional lands for about \$2 million per year and has hired some First Nations’ workers. As is common in Ontario, the mining company is responsible for self-monitoring and reporting about the toxic mercury and methyl mercury levels resulting from its mining.

In 2016, the Parks and Wilderness Society’s Wildlands League claimed that the Victor mine had a high level of mercury and methyl mercury contamination. Although De Beers plans to close the Victor mine, it may start to mine another deposit (“Tango”) in the same area, if it gains the consent of the community. At the time of writing, the people of Attawapiskat were divided about giving consent to the new mine. As is often the case, the choice between jobs and the environment stirs up controversy.

Chapter Introduction

Canada is one of the most prosperous, economically developed countries in the world. Canadians generally enjoy a high standard of living, are well educated, have a long life expectancy, and are satisfied with their lives (Co-operation and Development, 2011). Nevertheless, the conditions in many First Nations communities have been compared to those of poor “third world” countries, and inequalities between the rich and the rest of society are larger than in a number of other developed countries. Economic growth often benefits some regions and groups of people more than others, resulting in social and political tensions.

The pursuit of rapid economic growth, particularly through mining and oil and gas production, can have damaging effects on the natural environment. Further, it will make it very difficult for Canada to fulfill its international commitments to substantially reduce its emissions of greenhouse gases that are responsible for global climate change.

The Canadian Economy

4.1 Outline the basic features of the Canadian economy.

Canada has a basically free market, capitalist economy. Most businesses are in the hands of privately owned companies and corporations. Nevertheless, national, provincial/territorial, and local governments play an important role in economic development and the economic well-being of Canadians.

The Role of Government

Some businesses (termed Crown corporations) are government owned, including the Canadian Broadcasting Corporation, VIA Rail, and, in some provinces, electricity utilities. Many Crown corporations (such as Air Canada and Petro-Canada) have been privatized. Governments have looked to public-private partnerships for projects such as building hospitals, schools, and light rail lines. However, the involvement of private businesses has sometimes led to higher costs than anticipated (Morrow, 2014). As well, in recent times, governments have reduced regulation of business activities and lowered corporate taxes.

Canadian governments do not generally involve themselves directly in the decision making of private businesses and corporations other than through laws and regulations concerning matters of public interest, such as product and worker safety, environmental protection, and competition policy. Nevertheless, national, provincial/territorial, and local governments are often involved in encouraging and assisting business development. Canadian governments try to influence the overall functioning of the economy, particularly by adjusting the level of government spending (which accounts for slightly over two-fifths of Canada's gross national product) and taxation to stimulate or cool down the economy. Likewise, the Bank of Canada (a Crown corporation that operates at arm's length from government) has important effects on the Canadian economy through its responsibility for monetary policy (the supply of money), which affects interest rates and the level of inflation.

Economic Development

Economic historians often describe Canada as a country whose financial well-being has relied on the export of a few resource staples: the near-unparalleled riches of its seas, forests, mountains, and plains. Europeans first became interested in what is now Canada for the abundant cod as well as whale oil for lamps. Next, the export of furs to Europe became a leading source of revenues from the early seventeenth century until the early nineteenth century. In the nineteenth century, timber from New Brunswick and Quebec and wheat from Ontario became major export commodities. Early in the twentieth century, Prairie wheat came to the fore as a major export. In more recent times, oil, cars, and minerals have become Canada's leading exports, with a high proportion of Canada's exports going to the United States.

Canada's historic (and, to some extent, current) dependence on a few staples has often been viewed as undesirable for long-term economic development. Resource commodities are subject to sharp fluctuations in world demand and prices, leading to cycles of "boom" and "bust." Exporting unprocessed or lightly processed materials does not create many long-lasting jobs, particularly with the development of labour-saving modern technology.

Some natural resources (such as oil and minerals) are non-renewable and thus of declining importance over time. Some renewable resources (such as fish and forest products) have become depleted because of overexploitation. Natural resource exploitation can also damage the environment. For example, Alberta's huge oil (tar) sands developments use large quantities of water and can release toxins into one of the world's major freshwater river systems. The extraction of bitumen from the oil sands releases more carbon dioxide (a major source of greenhouse gas emissions) than conventional oil production and thus adds to the problem of global climate change. Although resource developments (and other pollution-creating activities) add to the country's gross domestic product (GDP), this standard indicator of prosperity is an imprecise measure of how the country is doing as it does not take into account the costs of damage to the environment and human health.

Canada's economy began to diversify in the later part of the nineteenth century with the production of consumer goods, such as clothing and shoes. Toward the end of the nineteenth century and in the first decades of the twentieth century, "heavy industries" such as iron and steel, pulp and paper plants, machinery, and chemical plants were established (Conrad & Finkel, 2007). In the last decades of the twentieth century, Canada's manufacturing sector, aided by a low exchange rate for the Canadian dollar (allowing goods to be produced more cheaply than in the United States), flourished in areas such as automobile production and telecommunications. More recently, employment in manufacturing has tended to decline while employment in health care, professional services, and public administration has increased. As Table 4-1 indicates, the bulk of employment is now in the broadly defined service sector. In recent years, services (particularly services provided by banks and insurance companies) have become particularly important.

Table 4-1 Employment by Industry, September 2018 (in Thousands)

All industries	18 693.8
Goods-producing sector	3 934.1 (21.0%)
Agriculture	277.5 (1.5%)
Forestry, fishing, mining, oil and gas	345.2 (1.8%)
Utilities	151.5 (0.8%)
Construction	1 446.8 (7.7%)
Manufacturing	1 713.1 (9.2%)
Services-producing sector	14 759.7 (79.0%)
Trade	2 778.0 (14.9%)
Transportation and warehousing	997.2 (5.3%)
Finance, insurance, real estate, and leasing	1 189.3 (6.3%)
Professional, scientific, and technical services	1 458.8 (7.8%)
Business, building, and other support services	769.8 (4.1%)
Educational services	1 340.3 (7.2%)
Health care and social assistance	2 410.9 (12.9%)
Information, culture, and recreation	782.6 (4.2%)
Accommodation and food services	1 241.7 (6.6%)
Other services	813.4 (4.4%)
Public administration	977.8 (5.2%)

SOURCE: Statistics Canada. (2018c). Table 14-10-0355-02 *Employment by industry, monthly, seasonally adjusted (x1000)*. Retrieved from <https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=1410035502>

The Canadian economy has always relied heavily on international trade. Before the United Kingdom adopted free trade policies in the 1840s, Canadian exports benefited from the preferential treatment given to British colonies. After British preferential treatment ended, Canadian trade shifted toward the United States, which became, by far, Canada's largest trading partner. (See Figure 4-1.)

As Table 4-2 shows, energy products, along with automobiles and consumer goods, are Canada's major export goods.

Figure 4-1 Merchandise Trade: Canada's Top 10 Principal Trading Partners—Seasonally Adjusted, Current Dollars (Millions). August 2018

SOURCE: Statistics Canada, *The Daily*. Table 12-10-0011-01. Retrieved from <https://www150.statcan.gc.ca/n1/daily-quotidien/181005/t001b-eng.htm>

Table 4-2 International Merchandise Trade—Seasonally Adjusted, Current Dollars (Millions)

Commodity February 2019	Exports (\$ millions)	Year-to-date percent change previous year	Imports (\$ millions)	Year-to-date percent change previous year
Resource products	25 589	2.5	15 139	1.2
Energy	9306	5.5	2918	-9.3
Non-resource products	21 115	4.4	34 030	5.6
Industrial machinery & equipment	3387	8.3	5755	8.9
Electronic./electric. machin. & equip.	2511	8.4	5787	1.5
Motor vehicles	7279	-4.0	9418	-1.5
Aircrafts/other transportation equip.	2182	12.2	2830	43.5
Consumer goods	5755	9.8	10 240	5.5
All commodities	47 971	3.3	50 865	4.2

SOURCES: Statistics Canada Table 12-10-0121-01, International merchandise trade data by North American Product Classification System (NAPCS)—seasonally adjusted. Totals don't add up as "Special transactions trade" and "Other balance of payments adjustments" are not included. Retrieved from <https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=1210001101>

Canada's Trade and Foreign Investment Agreements

4.2a Discuss the issues relating to foreign ownership and investment.

4.2b Evaluate the United States–Mexico–Canada Trade Agreement.

Economic globalization is an important feature of the contemporary world. Canada, like most other countries, has become increasingly embedded in the global economic system, which has powerful effects on the Canadian economy and government policies. There has been a greatly increased international free flow of goods, services, money, and investment, along with the growth of multinational corporations. Free trade and foreign investment agreements have important effects on the Canadian economy and have led to important political controversies.

The World Trade Organization

Canada was one of the 23 countries that founded the General Agreement on Trade and Tariffs (GATT) that came into effect in 1948. The **World Trade Organization (WTO)**, which replaced GATT in 1995, has established global rules of trade for 164 countries. As well as lowering tariff and non-tariff trade barriers, the WTO has dispute-resolution procedures involving consultation and adjudication by a panel. Only a small proportion of disputes have resulted in one country taking retaliatory action against another member after dispute-settlement procedures have failed. As of 2018, Canada had initiated 34 claims regarding trade issues against other countries and had 18 claims against it.

One important, controversial issue dealt by the WTO has been the use of agricultural export subsidies used by the rich countries (including Canada) to protect their farmers. This makes it difficult for poorer countries to compete fairly. In 2015, the developed countries agreed to stop subsidies immediately while the developing countries would stop subsidies by the end of 2018 (BBC, 2015).

Canada's North American Free Trade Agreements

The pursuit of free trade agreements is an important aspect of the economic policies of many countries, including Canada. Free trade is viewed as increasing the wealth of nations by encouraging businesses to produce goods and services on which they have a comparative advantage such that they can sell those products in the global market. Consumers

World Trade Organization (WTO)

An organization of 164 countries (including Canada) that establishes global rules of trade, including lowering trade barriers and implementing procedures for dispute settlements.

can benefit by having a choice of a wider range of goods that are available at lower prices because of greater competition. However, labour interests are often critical of unrestricted free trade because global competition can pressure businesses to reduce the wages and benefits of their workers or to move production to countries where the costs of production are lowest. With business and finance being much more mobile than workers, globalization and free trade tend to enhance the power of business and its influence on governments. Likewise, free trade hurts many farmers who have been protected by high tariffs and limitations on imported produce. Manufacturers can also be threatened by the cheaper products from companies in countries with low-paid labour. Overall, critics argue that many free trade agreements protect or enhance the profitability of some businesses while limiting the ability of governments to legislate for the common good (Stiglitz & Hersh, 2015).

Trade agreements are often very lengthy and complex documents that go beyond free trade to include protection of intellectual property (including pharmaceutical patents and copyrights), cultural products, public services and public works, and agricultural products. Many countries have pursued major comprehensive free trade agreements in recent decades.

Free trade agreements do not only involve removing tariffs (taxes) and restrictions on goods that are traded and on services that foreign corporations and producers can provide. These government agreements typically include binding rules and compliance measures that affect such matters as environmental protection, labour rights, the affordability of patent medicines, government's ability to regulate the country's economy, and the protection of foreign investors (Johnson, 2015). Free trade agreements can also limit a government's ability to regulate their country's economy and provide assistance to certain elements of the country's economy.

The North American Free Trade Agreement, 1992

Free trade with the United States has, at times, been a very controversial Canadian political issue. Historically, Canadian manufacturers feared that cheap American products would devastate their businesses. Canadian nationalists have been concerned that Canadian culture would be threatened and that American influence would make Canada a virtual satellite of the United States.

In the decades after World War II, the majority of goods flowed between the United States and Canada free of tariffs, particularly after the Canada–United States Automotive Agreement (the “Auto Pact”) was adopted in 1965. Nevertheless, many Canadian businesses worried that the United States would apply its trade remedy laws against imports from Canada that were deemed to be government subsidized or sold at less than their “fair value.”

In 1988, a tentative agreement on a Free Trade Agreement was reached between the two countries. Subsequently, the 1988 Canadian election focused almost entirely on free trade, with the Liberal party and the New Democratic Party strongly opposed to the agreement. Although these two parties gained 52 percent of the vote compared to only 43 percent for the Progressive Conservative (PC) party that supported the Agreement, the Progressive Conservatives won the majority of seats. Subsequently the Canadian Parliament and the U.S. Congress passed the Free Trade Agreement, which came into effect on January 1, 1989.

In 1992, Mexico joined Canada and the United States in forming the **North American Free Trade Agreement**. This agreement established quite a high level of economic integration in North America. For example, the production of automobiles generally involves the three countries in the processes of manufacturing important parts that go into the final assembly.

The provisions of NAFTA included

- eliminating tariffs on goods traded among the three countries
- eliminating restrictions on the export of almost all goods
- forbidding new laws and regulations to protect service industries

North American Free Trade Agreement (NAFTA)

A 1992 agreement between Canada, the United States, and Mexico that established a high level of economic integration in North America.

- requiring that investments from the other countries be treated the same as domestic investments (although allowing the screening of proposed takeovers of large domestically owned companies)
- forbidding Canada from placing higher taxes on energy exported to the United States than it levies on energy consumed in Canada (and prohibiting the Canadian government from imposing restrictions that reduce Canadian energy exports to the United States)
- allowing the retention of agricultural marketing boards that set production quotas to protect farmers
- allowing Canada to continue its existing protection of its cultural industries, with the United States retaining the right to retaliate against new cultural protection measures

Although Canada had hoped to be exempted from American trade remedy laws, the American government refused this concession, and no agreement was reached on what constituted an “unfair subsidy” that could result in special duties. A decision to impose special **countervailing** or **anti-dumping duties** can be appealed to a binational dispute-settlement tribunal made up of persons chosen by the countries involved in the dispute. However, the tribunal’s powers are limited. It can determine only whether the rules of the country levying the duty were correctly applied using the judicial review standards and precedents of that country. Although the provision has helped to resolve some trade disputes, the United States was unwilling to accept the tribunal’s verdict regarding Canada’s exports of softwood lumber. Furthermore, NAFTA did not prevent the United States from adopting protectionist policies such as its “Buy America” law. For example, steel makers based in Canada found themselves largely shut out of bidding on U.S. government-funded projects, while American companies could generally bid on Canadian projects.

A particularly controversial provision of NAFTA has been its investor-state dispute-resolution mechanism. NAFTA’s Chapter 11 has allowed foreign companies to sue governments that they alleged were harming their investments through expropriation or actions “tantamount to expropriation.” Claims for compensation could be based on government actions that affect “the company’s future profitability or opportunities for growth,” with decisions being made in a private tribunal rather than a public court. For example, a NAFTA tribunal in 2012 upheld a case by Exxon Mobil and Murphy Oil against the Canadian government because the government of Newfoundland and Labrador had required that the oil companies developing the province’s highly profitable offshore oil resources increase their spending in the province on research, education, and training. Overall, the Canadian Centre for Policy Alternatives reported that Canada had been the target of the dispute mechanism more than two times as often as Mexico and the United States combined. This has cost Canada \$314 million (CBC, 2018, January 16).

Despite its significance in integrating the economies of Canada, the United States, and Mexico, NAFTA did not create a “supranational” government (Clarkson, 2008). NAFTA did not lead to the establishment of any meaningful governing institutions to develop, oversee, and enforce rules for North America. Unlike the European Union, it offered no guidelines for social policies and human rights, and it barely addressed the environment or the mobility of workers across national borders. Instead, NAFTA limited the ability of governments to adopt policies that interfere with trade and investment.

The United States–Mexico–Canada Agreement, 2018

President Trump was strongly critical of NAFTA, and the negotiations to revise NAFTA in 2018 were very difficult. Trump made a deal with Mexico but threatened to exclude Canada from a new agreement unless his demands for changes in NAFTA were adopted. A last-minute agreement was reached on September 30, 2018, creating a

Countervailing Duties

Tariffs levied by the government on imported goods in order to offset the subsidies provided by the government of the exporting country

Anti-Dumping Duties

Duties on goods from another country that are sold at less than their fair value. These duties applied to increase the price, thereby protecting domestic industry from unfair competition.

United States–Mexico–Canada Agreement (USMCA) to replace NAFTA, pending approval by the U.S. Congress. The USMCA does not differ greatly from NAFTA. Among its new provisions, U.S. farmers were given more access to Canada’s dairy (milk) market. Despite the agreement, at the time of writing, Trump’s imposition of high tariffs on U.S. imports of Canadian steel and aluminum continued but ended in May 2019. Canada was required to inform the United States if it intended to negotiate a free trade agreement with a “non-market” country (presumably China). The USMCA lasts for 16 years although it can be renewed. A country can withdraw from the agreement after giving six months’ written notice.

The United States–Mexico–Canada Agreement (USMCA)
An agreement between the three North American countries reached in 2018 to replace NAFTA.

Other Economic and Trade Agreements

The European Union–Canada Comprehensive Economic and Trade Agreement (CETA)¹ eliminates almost all tariffs on products traded between Canada and the European Union countries. It also has provisions concerning services and investments, mutual recognition of regulated professions, a dispute-settlement provision, and a commitment to environmental protection. CETA is broader than NAFTA and the USMCA as it includes policies concerning access to services such as transportation, travel, insurance, and communications as well as professional certification and product standards. Of particular concern are the intellectual property provisions that include an extended period of protection for patented prescription drugs that could increase costs for Canadian health care. The investor–state dispute-settlement provisions in CETA allow corporations to challenge domestic laws through independent tribunals.

The Comprehensive and Progressive Trans-Pacific Partnership (CPTPP), formed after Trump withdrew the United States from the proposed Trans-Pacific Agreement, came into effect in December 2018. Among the 11 member countries are Canada, Japan, Mexico, Australia, Malaysia, and Vietnam. The progressive aspects of CPTPP include enhanced environmental protection and basic workers’ rights. These aspects are enforceable through the dispute-settlement mechanism. As well, Canada should be able to benefit economically, as several countries in the CPTPP have agreed to lower their tariff protections.

Canada also has free trade agreements in force or in negotiations with a number of individual countries.

Foreign Investment and Ownership

Historically, Canada’s economy has relied quite heavily on foreign investment to finance the building of canals, railways, and other infrastructure essential to the growth of the new country. Beginning late in the nineteenth century, many American companies set up **branch plants** in Canada to avoid the tariffs on manufactured products for the growing Canadian market and to obtain the raw materials needed for American industry. Although Canadian governments have generally welcomed foreign investment, they have placed limitations on foreign ownership in certain key sectors of the economy, such as banking and insurance, the mass media, airlines, and telecommunications.

In the 1960s, concerns were raised about the high level of American ownership of the Canadian economy. At the time, about one-half of Canada’s manufacturing, mining, and petroleum industries were foreign owned (largely American owned). Some saw foreign investment as desirable, arguing that it brought increased economic

Branch Plants

Factories that a company sets up in other locations to produce and sell products in additional markets.

¹ Almost all of its provisions were approved by Canada in 2016 and by the European Union and all of its national legislatures in 2017. However, in July 2018, Italy’s deputy prime minister said that Italy would not ratify the agreement. Nevertheless, almost all of the provisions of CETA are in force.

activity and employment to Canada, facilitated access to modern technology and markets outside Canada, and increased competitiveness for Canadian industry, leading to greater efficiency and lower prices. Critics argued that the American branch plants often purchased their parts and supplies in the United States, concentrated their research and development activities as well as their management functions in the United States, and were often limited by their American parent companies to producing only for the Canadian market. Furthermore, they noted that most of the funds to buy out Canadian companies or to establish new enterprises came from Canadian financial institutions, while foreign ownership led to an outflow of profits, dividends, and management fees from Canada. Critics also registered concerns that American-owned companies operating in Canada were subject to American laws, such as the Trading with the Enemy Act that prevented American-owned companies and executives from doing business with communist Cuba. More generally, Canadian nationalists feared that the high level of American ownership limited Canadian independence by increasing American political and cultural influence on Canada.

Foreign Investment

In 1973, the Canadian government established the Foreign Investment Review Agency (FIRA). This allowed the Canadian government to reject proposals by foreign companies to take over Canadian businesses or set up new businesses that were not of significant benefit to Canada. Although few investment proposals were rejected outright, the agency gave the Canadian government some ability to negotiate with foreign firms to achieve more benefits for Canada. In 1985, the Foreign Investment Review Agency was replaced by the Investment Canada Act, which greatly reduced the government's role in assessing foreign investments. Instead a new government organization, Invest in Canada, was formed to promote and attract foreign investment. The Canada–United States Free Trade Agreement and NAFTA also limited the ability of the Canadian government to screen American investment or to adopt policies that give preferential treatment to Canadian-owned companies. Nevertheless, the Canadian cabinet has retained the ability to reject foreign investment that could harm national security.

Overall, the Canadian government has rarely intervened to keep a home-grown company in Canadian hands. It has also been reluctant to penalize companies that do not live up to their promises of “net benefit.” The takeover of major Canadian companies by corporations owned or controlled by foreign governments, especially undemocratic governments, has been controversial. (See Box 4-1: The Appetite for Canadian Resources by Foreign State-Owned Enterprises.)

Foreign Investment Promotion and Protection Agreements

Foreign investment promotion and protection agreements (FIPAs) are designed to ensure that foreign investors (whether Canadian companies investing in another country or a foreign company investing in Canada) are treated the same as domestic investors with the same rights and obligations. As of 2018, Canada had FIPAs with 37 countries. The Canada–China FIPA, adopted in 2014 for a minimum of 15 years, has been criticized as a threat to Canadian laws and regulations concerning environmental protection, natural resource conservation, labour rights, and treaties with Indigenous peoples, as these could be challenged, particularly by Chinese resource investments in Canada (Van Harten, 2014). The Conservative government that promoted the FIPA agreement hoped that it would attract more Chinese investment in Canada.

Box 4-1 The Appetite for Canadian Resources by Foreign State-Owned Enterprises

On February 26, 2013, the China National Offshore Oil Company (CNOOC) purchased Nexen, a major Canadian oil producer, for U.S. \$15.1 billion. The takeover was controversial, particularly because CNOOC is a Chinese state-owned enterprise. To gain the approval of the Canadian government, CNOOC promised to keep Nexen's headquarters in Calgary, increase its investment in Alberta's oil sands, and retain Nexen's 3000 employees and senior management. Despite this promise, many employees lost their jobs in 2014 as a result of a major cost-cutting program (Cattaneo & Lewis, 2014). In 2013, Petronas, a Malaysian state-owned enterprise, purchased Progress Energy Resources, a major owner of Canadian shale gas properties, for \$6 billion. Although the Canadian government initially rejected the Petronas purchase, it approved the deal after the company made promises to build a large liquefied natural gas (LNG) facility in British Columbia. However, Petronas cancelled the project in 2017.

Faced with considerable public concern about the takeover of a significant proportion of Canada's natural resources, the Canadian government declared in 2012 that foreign state-owned investors would be barred (other than in exceptional cases) from new takeovers in the oil sands. As well, the threshold for review of investments by foreign state-owned enterprises would remain at \$330 million (revised in 2018 to \$398 million) rather than the new threshold of \$1 billion for review of other foreign investments.

Although investment by foreign-based corporations has often led to concern and opposition in Canada, some of the largest foreign investors today are state-owned enterprises, including enterprises controlled by undemocratic governments. While ownership by companies such as CNOOC may facilitate increased Canadian exports to China, it also raises concerns about maintaining Canada's control of important natural resources.

Government and the Economy

4.3 Examine the role of government in the Canadian economy.

The Canadian state has played a significant role in helping to shape the Canadian economy. In the past, the Canadian government heavily subsidized the Canadian Pacific Railway (now CP) to build links across the sparsely populated land-mass. Later, the Canadian government got directly involved by consolidating various bankrupt rail companies into the government-owned Canadian National Railway (privatized in 1995 and now called CN). Likewise, the Canadian government owned and operated Air Canada (formerly TransCanada Airlines) until it was privatized in 1988. Canada's first national radio and television network, the Canadian Broadcasting Corporation (CBC), continues to be a Crown corporation. Government involvement proved essential in some cases because private business did not have the capability to provide the service or because the service was not likely to turn a profit.

Business Regulation

Governments affect various sectors of the economy through the regulation of business activity. For example, regulations under the authority of the Consumer Packaging and Labelling Act help consumers by requiring accurate and meaningful labelling of prepackaged consumer products. The Canadian Radio-television and Telecommunications Commission (CRTC, a semi-independent government agency) determines which companies will receive broadcasting and cable licences. It also establishes various conditions (such as Canadian content requirements) for the use of broadcasting licences. One objective of the CRTC is to ensure that Canadians in rural and remote areas have Internet access. As well, the CRTC requires that customers be able to purchase a basic \$25 per month cable TV or satellite package with a pick-and-pay option for more channels.

Regulations often help to protect consumers and try to ensure that large corporations do not restrict free competition. Regulations are also very important in protecting the natural environment. Because the costs of producing goods do not normally take into account the consequences of damaging the natural environment, regulations (including environment assessments before major new projects are approved) can help to limit environmental damage.

Many regulations have been criticized by business interests for being costly, time-consuming, and interfering with economically efficient business decisions. In recent decades, there has been a tendency to move away from mandatory regulations (a process known as deregulation). Instead, there has often been use of guidelines, voluntary agreements between business and government, self-regulation by the businesses involved in a particular sector of the economy, and certification of products and processes by independent organizations. For example, the Forest Stewardship Council is an international nonprofit organization that certifies forest operations if they are environmentally appropriate, socially beneficial, and economically valuable. (For more information about the Forest Stewardship Council, go to ca.fsc.org.)

Assistance to Business

Canadian governments have participated in the economy to try to foster economic growth by providing assistance to business. Although we often think of business as being opposed to government intervention in the economy, in fact many businesses have sought government assistance. For example, in 2009, the Canadian and Ontario governments contributed \$10.6 billion to General Motors Canada and \$3.8 billion to Chrysler Canada to help prevent their bankruptcy. Likewise, governments have provided incentives for companies to locate in Canada or in particular communities. Assistance has also often been provided to companies to modernize their facilities and processes and to export their products abroad.

Governments also help business through their support for education and research. An educated workforce is essential for business to be productive and globally competitive. Provincial government funding has helped Canada to have one of the highest proportions of university graduates in the world. The Canadian government also funds research and development that can be used for economic advantage. Canadian businesses, on the other hand, have tended to lag behind other advanced countries in the proportion of their expenditures devoted to research and development, making the Canadian economy somewhat less innovative and productive than some of its leading competitors (Council of Canadian Academies, 2009).

Management of the Economy

Early Canadian governments were active in the development of the economy through such measures as tariffs on imported manufactured goods and involvement in building essential infrastructure. However, it was not until the post–World War II period that governments played a more active role in managing the functioning of the overall economy to avoid a return to the severe consequences of the Great Depression of the 1930s and respond to the growth of support for socialist ideas. Furthermore, instead of the classical liberal belief in a pure free market economy, the ideas of British economist John Maynard Keynes became influential, including the idea that government should smooth out the tendencies of a free market by running a deficit when the economy needed stimulus and a surplus when cooling down was needed. The Canadian government’s White Paper on Employment and

Incomes (1945) reflected the themes of **Keynesian economics**, with its call for government to ensure that a “high and stable level of employment” was maintained (quoted in Bothwell, Drummond, & English, 1989, p. 57). A broad consensus in support of Keynesian economic policies and the development of a modest welfare state helped to diminish conflicts between business and labour interests in the generally prosperous decades after World War II.

In the 1970s, the Keynesian economic perspective was challenged, as a combination of economic stagnation and inflation ended the long period of economic growth. The growth of government spending was blamed for “crowding out” private investment and “interfering” with the efficiency of the free market. Government regulations, it was claimed, interfered with the efficiency of the free market. High taxes and government programs such as social assistance and unemployment insurance were reducing the incentives for hard work and investment, and excessive union demands were disrupting the economy. In the ideological perspective of **neo-liberalism**, a purer free market system would restore prosperity.

In the mid-1990s, the Liberal government of Jean Chrétien, faced with large government deficits and debt, made major cuts to government spending. A decade later, the Conservative government, led by Stephen Harper, made substantial cuts to many government programs and the federal public service.

Economic Inequality

4.4 Discuss the extent of economic inequality in Canada.

Economic globalization and technological innovations have increased the total amount of income and wealth generated by the Canadian economy. However, income inequality has increased in recent decades.

Income Inequality

The increase in total Canadian income has benefited the upper class much more than the lower-middle and working classes (Banting & Myles, 2014). For example, the richest 1 percent of Canadians increased their share of national income from 8.1 percent in 1981 to 12.2 percent in 2010 (Organisation for Economic Co-operation and Development, 2014). Using a different source of data, the top 1 percent of taxpayers reported 10.3 percent of total income (Statistics Canada, 2014, November 18). The 100 highest paid chief executive officers of major Canadian corporations earned an average of \$10.4 million in 2016, 209 times greater than the \$49,738 earnings of the average worker (MacDonald, 2018, January 1). In 2018, Canada had the lowest corporate tax rate of the G7 countries (PWC Canada, 2018).

Inequality in total wealth (net worth) is particularly dramatic. The top 20 percent of families has 67.5 percent of total wealth (with the top 10 percent accounting for 47.9 percent of total wealth), while the bottom 40 percent has only 2.1 percent of total wealth (Statistics Canada, 2014, February 25). The concentration of wealth has tended to increase. From 1999 to 2012, the 20 percent of families with the highest incomes increased their wealth by 80 percent, while the 20 percent of families with the lowest incomes increased their wealth by only 38 percent (Uppal & LaRochelle-Côté, 2015). Despite the general increase in wealth, the rising cost of housing has made it difficult or impossible for most people to buy their first house in Vancouver, Toronto, and some other cities.

A reduction in taxes on higher-income earners and reduced government spending on social benefits has increased inequality in disposable (after-tax) income. A

Keynesian Economics

A perspective on managing the economy through government stimulation of the economy when business investment is weak and cooling the economy when inflation is rampant.

Neo-Liberalism

An ideological perspective based on a strong belief in a free market system with the role of government reduced to a bare minimum, individuals responsible for their own well-being, taxes substantially reduced, global free trade pursued, and barriers to the international flow of finance and investment removed.

Supporters of the Occupy Toronto movement gather on October 15, 2012, in Toronto's St. James Park to mark the first anniversary of their 39-day occupation of the park.



Collin Perkel/The CP Images

variety of tax breaks (including registered retirement savings plans and tax-free savings accounts) are used to a greater extent by higher-income earners than by many lower-income Canadians.

In 2014, 13.0 percent of Canadians could be considered as being in poverty, as they had less than 50 percent of the annual median household income. Those most likely to be in poverty for long periods of time were single persons aged 45–54, single parents, recent immigrants, persons with disabilities, and Indigenous people. Canada ranked 20 out of 31 industrialized countries in 2013 in terms of the extent of poverty; countries such as Denmark, France, the United Kingdom, and Poland had lower levels of poverty (Government of Canada, 2016a). For a different measure, see Box 4-2: Income Inequality and Poverty in Canada: An International Comparison.

Particularly high proportions of people with low incomes are found among unattached persons aged 18–24 (58.1 percent with low incomes in 2008), unattached females

Box 4-2 Income Inequality and Poverty in Canada: An International Comparison

On a scale from A to D, the Conference Board of Canada (2017) has graded Canada's performance on a number of indicators compared with the performance of other high-income, advanced countries.

A Grade

Life satisfaction (4th of 16 countries)
Low inflation (2nd of 16 countries)

B Grade

Joblessness among youth (9th of 15 countries)
Income inequality (13th of 16 countries)
Labour productivity (3rd of 16 countries)

C Grade

Gender wage gap (13th of 16 countries)
Poverty (13th of 16 countries)
Unemployment rate (12th of 16 countries)
Employment growth (13th of 16 countries)

D Grade

Economic growth (9th of 16 countries)
Income per capita (11th of 16 countries)



AP Photo/Mike Groll/The CP Images

Do you know where your next meal is coming from? Extreme poverty has become more visible as the number of homeless people and the use of food banks have increased in Canada in recent decades.

(29.0 percent), Indigenous people, disabled people, and recent immigrants (especially visible minorities). On the positive side, the rate of poverty among seniors (5.8 percent) has declined substantially, although it is still relatively high among unattached senior women (17.1 percent) (House of Commons Standing Committee on Human Resources, Skills and Social Development and the Status of Persons With Disabilities, 2010). Despite a 1989 House of Commons resolution to end child poverty by 2000, child poverty increased from 15.8 percent in 1989 to 19.1 percent in 2012. Four in 10 Indigenous children live in low-income families (Ogrodnik, 2014).

Another indicator of the extent of poverty in Canada is the widespread use of food banks. In 2018, about 850 000 individuals used food banks each month (Food Banks Canada, 2018). In addition, on any given night, an average of 235 000 people are homeless (Monsebraaten, 2015).

Government policies have important effects on the extent of inequality and poverty. Canadian government transfers (such as employment insurance and social assistance) and taxes reduce income inequality and poverty less than in other Western countries (with the exception of the United States and Switzerland). For example, eligibility for employment insurance has decreased substantially in recent decades, and most provinces have not increased social assistance (welfare) to match increases in the cost of living. The income tax system has become less progressive as high-income individuals no longer face much higher tax rates than the middle class and benefit from reduced taxes on investments. As well, the tendency to shift taxation from incomes to consumption (such as the GST/HST) reduces the redistributive effect of taxation (Banting & Myles, 2014).

Why have governments (both Liberal and Conservative) been less likely in the past few decades to adopt social policies and taxation measures to offset the tendency of the economy to create greater inequality? Banting & Myles (2014) cite a variety of factors including

- the pressures resulting from economic globalization;
- the influence of the ideology of neo-liberalism that emphasizes the desirability of a free market system with limited government interference in the economy;
- the declining political influence of groups (including labour unions and civil society organizations) promoting the interests of the less well-off and the greater influence of organizations promoting the interests of corporations and the wealthy;

- the increasing importance of the Department of Finance rather than government departments focused on social policy in affecting government policy;
- at times, the high level of government debt; and
- the decentralization of the federal system that reduces the ability of the Canadian government to affect social policy.

Not only has the Canadian government been less likely in recent decades to reduce income inequality than have many other comparable countries, but also there are substantial differences among provincial governments in addressing this issue. In particular, the Quebec government has done much more to reduce inequality than other Canadian governments (Haddow, 2014). This has been attributed to the greater power of unions, the women's movement, and various social and community organizations in Quebec (Banting & Myles, 2014).

Workers

When compared to the United States, the importance of labour unions in Canada is striking. Since the mid-1960s, the proportion of workers represented by unions in the United States has declined sharply, while it has declined very slightly in Canada. Only about 12 percent of American workers are unionized compared to 30.4 percent of Canadian workers. The growth of unionization in the public sector (including many in professional and semi-professional positions such as teachers and professors) means that a substantial proportion of union membership in Canada could be considered middle class.

Canadian workers with union membership earn \$5.28 per hour more, on average, than workers without a union. Women with union membership earn an average of \$7.10 per hour, more, on average, than non-unionized women workers (Canadian Labour Congress, 2015). Canadian unions have generally adopted a close relationship with the New Democratic Party and have often been in conflict particularly with Conservative governments that have been critical of strikes. Nevertheless, the Supreme Court of Canada has upheld the fundamental right of unions to strike (*Saskatchewan Federation of Labour v. Saskatchewan*, 2015, SCC 4).

Unions play an important role in negotiating the wages and working conditions for their members. However, Canadian workers and unions typically have very little influence on the decisions made by corporate executives, managers, and major shareholders. However, in Germany and some other continental European countries there is a system of codetermination in which the workers (and their union) participate in the corporation's decision making. This ensures that workers can bring their knowledge to the company's board of directors and can increase cooperation between workers and employers (Berger & Vaccarino, 2016).

Canada is often described as primarily an affluent middle-class society. However, the depiction of Canada's workforce as mainly holding permanent jobs that provide wages supporting a middle-class lifestyle has changed. Part-time and temporary jobs that often have no health, pension, paid sick leave, or other benefits have become increasingly common. In fact, in 2014, part-time jobs accounted for 80 percent of new jobs (Jackson, 2014). The proportion of the workforce with low-wage jobs has increased substantially in recent years (Block, 2015).

Ontario has the highest provincial minimum wage. (See Box 4-3: Minimum Hourly Wage in Provinces and Territories, 2018.) However, Doug Ford's Conservative government, elected in 2018, instituted a freeze on an increase of the minimum wage for two years. As well, the Ontario government cancelled the two paid sick days and ended the requirement that part-time and casual employees have to have the same wage rates as full-time employees. In addition, the ten annual personal emergency paid leave days per year were replaced with eight unpaid days (CBC News, 2018, October 23).

Box 4-3 Minimum Hourly Wage in Provinces and Territories, 2018

Saskatchewan	\$10.96	Prince Edward Island	\$11.55
Nova Scotia	\$11.00	Quebec	\$12.00
Manitoba	\$11.15	British Columbia	\$12.65
Newfoundland/Labrador	\$11.15	Northwest Territories	\$13.46
New Brunswick	\$11.25	Alberta	\$13.60
Yukon	\$11.51	Ontario	\$14.00

NOTE: Some provinces have a lower minimum wage for liquor servers.

SOURCE: Living in Canada, 2018b. Retrieved from www.livingin-canada.com/minimum-wage-canada.html

Young persons often find it difficult to find full-time, long-lasting jobs after they complete their education. Many have to take low-paying, part-time jobs even if they have large student debts to repay. Stephen Poloz, governor of the Bank of Canada, suggested that young persons should work for free to gain some real-life experience (Grant, 2014). A shortage of good jobs can also affect immigrants to Canada, making it more difficult for many of them to integrate into Canadian society.

Overall, the unemployment rate for those seeking work is fairly high, particularly for young persons. The September 2018 unemployment rate for 15- to 24-year-olds was 11 percent. In contrast, the unemployment rate for those 25 and older seeking employment was 5.2 percent (5.4 percent for men and 5.1 percent for women). Among those 25 and older, 66.6 percent of men and 59.7 percent of women were employed (Statistics Canada, 2018, August). Women with young children are less likely to seek employment than men with young children. Women are also somewhat more likely than men to work part-time than full-time. For students planning to return to education in the 2018 fall, 9 percent were unable to find summer employment.

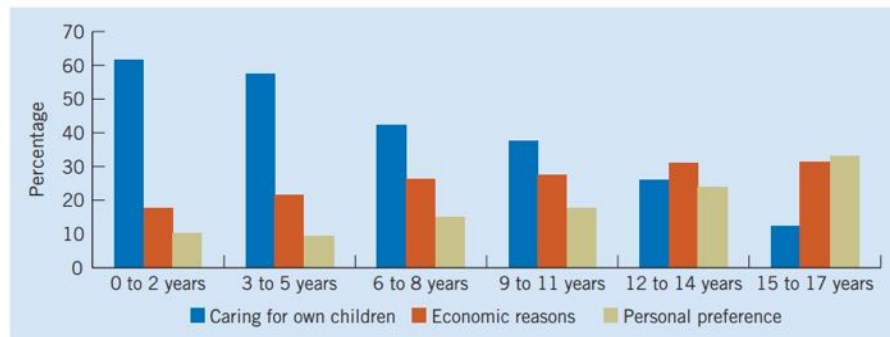
Women, Work, and Politics

Although women in the workforce have made significant advances in recent decades, achieving economic equality between women and men has proven elusive. Relatively fewer women than men hold top positions in major corporations. Likewise, despite some gains, women are substantially under-represented in legislative bodies. There has been only one female prime minister (Kim Campbell for a few months in 1993). Although 6 of the 13 provincial premiers were female in 2013, after the Alberta's election in April 2019, there were none. However, in 2015 Prime Minister Trudeau carried out his promise to appoint an equal number of women and men to his cabinet.

Women have become an important part of the paid workforce, although they are still under-represented in full-time employment. As illustrated by Figure 4-2, many women decide to work part-time when their children are young. In April 2019, 58.1 percent of women 25 years of age and older were in the full-time paid workforce, compared to 67.4 percent of men. Men were slightly more likely to be unemployed than women (5.2 percent vs. 4.7 percent) while women were more likely than men to work part-time (26.0 percent female vs. 19.1 percent male) (Statistics Canada, 2019, Table 1. Labour force characteristics by age group and sex, seasonally adjusted). The average hourly earnings of males in 2018 was \$28.94 and \$25.08 for females (Living in Canada, 2018a, Retrieved from: www.livingin-canada.com/work-salaries-wages-canada.html).

The proportion of women obtaining higher education has increased greatly in recent decades. Indeed, young women are now more likely than young men to obtain a university degree and are at least as likely as young men to work as doctors, lawyers,

Figure 4-2 Primary Reason for Working Part-Time, Women Aged 25 to 54 Working Part-Time with At Least One Child in the Home, by Age of Youngest Child, 2017



SOURCE: Patterson, M. (2018, November 6). *Labour Statistics at a Glance: Who works part time and why?* (Catalogue no. 71-222-X). Ottawa, ON: Statistics Canada. Retrieved from <https://www150.statcan.gc.ca/n1/pub/71-222-x/71-222-x2018002-eng.htm>

and business administrators. In fact, 28 percent of employed women aged 25–34 work in professional occupations, compared to only 18 percent of employed men of the same age group (Uppal & LaRochelle-Côté, 2014). Nevertheless, men with less education are more likely to have jobs in some high-paying occupations, such as mining, oil drilling, and construction, while less educated women are more likely to hold lower-paying jobs in retail sales, clerical work, and personal services. Likewise, university-educated women are more likely to pursue careers in lower-paid female-dominated professions such as nursing, education, and social work than in some higher-paid male-dominated occupations such as engineering and computer science. Income inequality between women and men is substantially higher among workers in the private sector than among workers in the public sector.² To a considerable extent, this reflects the much higher rate of union membership in the public sector than in the private sector (McInturff & Tulloch, 2014). Collective bargaining tends to promote greater equality in wages. As well, pay equity (discussed below) is more prevalent in the public than in the private sector.

There undoubtedly continues to be some discrimination against women, particularly in senior executive and non-traditional occupations, and a reluctance of some employers to take into account the different circumstances of women in hiring, pay scales, and promotion. Sexual harassment in the workplace can also affect the willingness of women to pursue promotions or remain with a particular employer.

As well, although the division of household duties has moved somewhat in an egalitarian direction, women still tend to devote more time to caring for other family members than do men. In particular, the problem of finding affordable, quality child care creates important obstacles to women participating in the workforce. For example, the average monthly cost of child care for preschoolers in 2017 was \$1212 in Toronto, \$1000 in Calgary, \$950 in Vancouver, and \$868 in St. John's. Child care costs were much higher for infants. However, in Montreal and most other Quebec cities, child care fees are set and subsidized by the provincial government at \$168 per month (Canadian Centre for Policy Alternatives, 2017).

Despite major increases in the proportion of women in some traditionally male occupations, gender segregation remains surprisingly evident. Although many more women now hold managerial positions in business, top-level executives are still predominantly male. For example, in 2017, 22.6 percent of those on boards of directors of the Canada's largest corporations (the FP500) were female (Canadian Board Diversity Council, 2017). Although

² Visible minorities and Indigenous peoples also face a higher level of income inequality in private sector employment than in the public sector (McInturff & Tulloch, 2014).

this proportion of women on corporate boards has been slowly increasing, most corporations still have a large male majority on their boards. And, while the inclusion of women on corporate boards has been gradually increasing, this is not the case for other groups. The same report found that only 4.3 percent of corporate board members were visible minorities, 3.2 percent people with disabilities, 1.6 percent LGBTQ, and 1.1 percent Indigenous.

Addressing Gender Inequality

For many decades, national and provincial laws have required that employers pay men and women equal wages for carrying out the same or substantially similar work (although differences can be based on such factors as experience, qualifications, and merit). This requirement does not, however, remedy the overall inequality in wages between men and women, because women tend to be employed in lower-paying occupations. To overcome gender-based inequalities in wages, women's groups have sought government action to pass and enforce **pay equity** laws. Pay equity requires that equal pay be given for work of *equal value*. Specifically, this involves increasing the pay of those working in occupations that are staffed primarily by women to the level of pay of equivalent occupations that are primarily staffed by men. The equivalency of different occupations can be determined by a combination of the skill, effort, responsibility, and working conditions involved in each occupation.

Most jurisdictions in Canada have adopted some form of pay equity legislation for public servants and, in some provinces, the broader public sector. Only Ontario and Quebec have legislated pay equity for the private sector. (In 2018, business groups lobbied Premier Ford to end pay equity legislation, which he will likely do.) At the national level, pay equity legislation was introduced in November 2018. It will cover about 1.2 million people, including federal public servants and political staff, federally regulated banks, and shipping. However, it will not come fully into effect for several years (*Toronto Star*, 2018, November 3).

Even where legislation has established pay equity, questions have been raised as to whether the legislation (particularly if it relies on individual complaints) is effectively applied and enforced. Many business leaders oppose pay equity because of its costs. As well, they often believe that wages and salaries should be determined by the market. (For more information about pay equity, see *An Overview of Pay Equity in Various Canadian Jurisdictions* at www.payequity.gov.on.ca/en/about/pdf/pe_survey.pdf and *Status of Women Canada* at www.swc-cfc.gc.ca.)

Women's groups have also advocated that **employment equity** (affirmative action) programs be established to encourage or require the hiring and promotion of women for positions in which they are under-represented. For example, the Canadian government requires that government departments set targets to increase the proportion of women (as well as Indigenous people, visible minorities, and people with disabilities) in senior positions. Employment equity has had considerable success in changing the gender composition of the federal public service, as 54.8 percent of all jobs, including 49.1 percent of executive positions, are now held by women (Treasury Board of Canada Secretariat, 2019). Federally regulated companies and companies having, or seeking, contracts worth at least \$1 million from the Canadian government are also required to set up employment equity programs. Most universities and colleges have adopted employment equity policies, and many professional programs have adopted measures to try to increase the diversity of their student bodies.

Critics of employment equity and other measures to increase the proportion of women and other under-represented groups in various positions argue that they involve "reverse discrimination" against men (particularly young men). Merit, rather than such characteristics as gender or colour, should be the basis for hiring and promotion. Others argue that promoting diversity has positive effects as various groups who have been under-represented bring different perspectives to business and politics. Furthermore,

Pay Equity

A requirement that equal pay be given for work of equal value, in particular by increasing the pay of those working in occupations staffed primarily by women to the level of pay of equivalent occupations primarily staffed by men.

Employment Equity

Programs that encourage or require the hiring and promotion of women and other persons from groups that are under-represented.

what seem to be merit-based decisions for hiring and promotion, or for selecting candidates for public office, may in fact be decisions of an “old boys’ network” that emphasizes fitting in, personal or social connections, and a willingness to avoid family responsibilities.

Farmers and Farming

Farming has always been a major aspect of the Canadian economy, and farmers were once a substantial element of Canada’s population. Wheat and grain exports continue to be an important element of the Canadian economy, although less important than oil and cars. However, the number of farmers has declined substantially, dropping from 390875 in 1991 to 293925 in 2011. This trend will likely continue, as the average age of farmers in 2011 was 54 (compared to 47.5 in 1991), and the number of farmers under 40 years old dropped from 4 out of 10 in 1991 to less than 1 out of ten in 2011 (Global News 2014, February 18).

Some Canada agricultural products (particularly dairy products, poultry, and eggs) have been protected against cheaper foreign imports by supply management that basically uses a quota system to determine how much of a product a farmer can sell in Canada. For the farmers, this results in stable and predictable prices for their products without relying on subsidies from the government (McGregor, 2015). This system has been criticized as being protectionist and resulting in higher food prices in Canada than the prices of food products exported to Canada from the United States and other countries. However, the U.S. Congress provides huge subsidies to their farmers, which allows them to dump low-priced products on the Canadian market. As well, most countries protect their domestic farmers by a variety of rules and regulations to limit or block imports from other countries.

The USMCA will allow American farmers tariff-free access to 3.6 percent of Canada’s dairy market. In total, Canada’s recent free trade agreements will allow foreign imports of milk to about 18 percent of Canada’s dairy market (Edwards, 2018, October 4). While Canadian consumers may benefit from lower prices, the change will likely have a serious impact on dairy farmers. Dairy farmers will also be affected because the Canadian government accepted the U.S. demand that Canada cap its exports of skim milk powder, milk protein concentrates, and infant formula to the United States price (Johnson, 2018, October 1).

Indigenous People

Indigenous people are most likely to suffer from inequality, particularly those who live on reserves or in remote northern communities. In these areas, a large majority of the adult population is unemployed, with the band council often being the only or major source of employment. Inadequate housing, poor food supplies, contaminated drinking water, and limited health care and social services are common features of many Indigenous communities.

The Indigenous population is more likely to be unemployed than Canadians as a whole. For example, the unemployment rate among First Nations people off reserve was 15 percent in 2016 (Labour market experience of First Nations people living off reserve, 2017: Key findings from the 2017 Aboriginal Peoples Survey 2017). Likewise, the median after-tax income of the Indigenous population is substantially lower than Canada’s non-Indigenous population. For example, in 2010 the median income of First Nations was \$17 621, Inuit, \$20 401, and Metis, \$24 551, compared to the non-Aboriginal identity population, \$27 622 (Statistics Canada, 2015).

Visible Minorities

Canada is a highly diverse country with a variety of different cultures and identities. However, the average earnings of visible minority people are substantially less than those of whites; visible minorities are more likely to be poor, and they are less likely

to be called for a job interview (Reitz & Banerjee, 2007; Grant, 2011). The 2011 National Household Survey conducted by Statistics Canada found that the average income of visible minority persons was \$42 196, compared to \$59 342 for other persons. Similarly, the unemployment rate for visible minority persons was 9.9 percent, compared to 7.8 percent for the rest of the population. In particular, the unemployment rate for visible minority women (10.6 percent) was higher than that for non-visible minority persons (6.7 percent) (Statistics Canada, 2011).

Regional Economic Inequality

There are substantial differences in the economies of different regions, which lead to inequalities in wealth, income, and employment opportunities. This has contributed to dissatisfaction with the Canadian government in various provinces. Canada's industrial, commercial, financial, and cultural activities have tended to be concentrated in southern Ontario and in the Montreal region. However, there has been a shift, with 35 percent of the largest corporations located in Ontario, 33.9 percent in Alberta, 13.7 percent in Quebec, and 12 percent in British Columbia. While Toronto remains the headquarters of financial services corporations, Calgary hosts most of the headquarters of oil and gas corporations (Tedesco, 2014, December 3). In addition, the concentration of over three-fifths of Canada's population in Ontario and Quebec provides considerable political power to these provinces. Other provinces (as well as the northern areas of Ontario and Quebec) have depended heavily upon the extraction and export of commodities such as forest products, minerals, and petroleum. Such commodities tend to fluctuate sharply in demand and price and generally provide less employment than other economic activities.

Past Canadian government policies that negatively affected the economies of western Canada, such as the National Policy (1879) and the National Energy Program (1980), left a legacy of regional dissatisfaction often referred to as "Western alienation." The introduction of official bilingualism and the focus of Canadian politics from the 1960s to the 1990s on accommodating Quebec also caused resentment among many western Canadians. The dominance of the federal government until 2006 by the Liberal party, which had little representation from western Canada, left Westerners feeling like outsiders.

The election of the Conservative Party in 2006, with its strong western Canadian representation, including its Calgary-based leader, contributed to a decline in Western alienation. For example, while 55.8 percent of western Canadians in 2004 believed that the federal government treats their province worse than other provinces, 34.7 percent held this belief in 2008. By this measure, Atlantic Canadians were the most alienated in 2008 (44.5 percent), while the proportion of Ontarians thinking their province was treated worse than other provinces increased from 15.5 percent to 28.7 percent. The proportion of Quebecers feeling their province was treated worse declined from 30.9 percent to 23.8 percent in 2008, even though Quebec in 2008 had little representation in the governing Conservative Party (Berdahl, 2010).

Canadian governments have devoted considerable attention to regional economic disparities. Beginning in 1957, the Canadian government provided equalization payments to the governments of the poorer provinces to enable them to provide their population with a level of services comparable to that of other provinces. In the 1960s, the Canadian government set up various programs to promote rural regional economic development, most notably through the establishment in 1969 of the Department of Regional Economic Expansion, which focused on Atlantic Canada and eastern Quebec. However, the success of these programs in promoting economic development was limited. In 1987, a somewhat more decentralized approach was adopted, with the establishment of agencies to galvanize economic development in Atlantic Canada, western Canada, northern Ontario, and, beginning in 1991, Quebec. In 2009,

Table 4-3 Median Household Income (2016) and Rate of Unemployment by Province and Territory (2018)

	Income (\$)	Percent of national average income (percent)	Average unemployed (percent)
Canada	70 336	100.0	6.2
Newfoundland and Labrador	67 272	95.6	14.2
Prince Edward Island	61 163	87.0	10.2
Nova Scotia	60 557	86.4	8.8
New Brunswick	59 347	84.4	7.8
Quebec	59 882	85.1	6.0
Ontario	74 287	100.6	5.8
Manitoba	68 147	96.9	5.3
Saskatchewan	75 412	107.2	5.9
Alberta	93 835	133.4	7.6
British Columbia	69 995	95.2	4.5
Yukon	84 521	120.2	6.8
Northwest Territories	117 688	167.3	12.0
Nunavut	97 441	138.5	16.9

SOURCES: Statistics Canada. Census of Population, 2016e. Table 1 Number of households, median income, and median income rank, Canada, provinces and territories, 2015. Retrieved from www150.statcan.gc.ca/n1/daily-quotidien/170913; Statistics Canada Table 14-10-0287-07. Labour force characteristics by province, monthly, seasonally adjusted, October, 2018. Retrieved from <https://www150.statcan.gc.ca/n1/daily-quotidien/19104/t003-eng.htm>. For percent of national average income, see <https://www150.statcan.gc.ca/n1/daily-quotidien/190405/t003a-eng.htm>. For the territories, see Statistics Canada Table 14-10-0354-01 (<https://www150.statcan.gc.ca/tbl/en/tv.action?Pid=141002920/>). Regional unemployment rates used by Employment Insurance Program, three month moving average, seasonally adjusted, October, 2018. Retrieved from <https://www150.statcan.gc.ca/n1/daily-quotidien/180608/t012a-eng.htm>

a development agency was established for southern Ontario, a region that traditionally boasted a robust economy but has suffered from the decline of its major manufacturing industries. Thus, there has been a movement away from the original focus on bolstering development in the poorest areas of the country. Table 4-3 illustrates the provincial and territorial differences in income and unemployment.

The Economy and the Environment

4.5 Examine the relationship between the environment and the economy.

Canada's wealth does not include only the country's gross national product or the gross national income. Canada's abundant supply of fresh water, forests, lakes, farmlands, areas of natural beauty, and parks and wilderness areas could also be considered an important part of Canada's wealth as well as contributing to the happiness and well-being of its peoples. However, global climate change poses an extremely serious challenge to Canada and the world. Because the problem is global, every country needs to take decisive action to deal with the threat. Indeed, Canada has an important responsibility to take decisive action because of its high proportion of greenhouse gas emissions, its exports of crude oil, and its need to protect its forests that can absorb large amounts of carbon dioxide.

The Importance of Environmental Change

In the last three decades of the twentieth century, Canadian governments adopted a wide variety of environmental laws and policies to protect the natural

environment. Indeed, Canada was, at times, a leader in promoting various environmental issues. This changed with the Conservative government led by Prime Minister Stephen Harper, which focused on economic growth. For example, in 2012, provisions in an omnibus finance bill greatly reduced the protection of fish habitats, limited the number of projects requiring federal environmental assessment, weakened the protection of endangered species, and placed restrictions on public consultation for proposed projects such as new pipelines that might endanger the environment.

The pursuit of economic growth, including promoting and assisting the fossil fuel industry, has been a major feature of Canadian government policies. Renewable energy accounted for 18.9 percent of Canada's total primary energy supply in 2017 (Natural Resources Canada, 2017, December 13). Although hydro power produces 59.3 percent of Canada's electrical generation, the building of very large hydro dams can have a negative effect on the environment. The development of other renewable energy sources such as wind, solar, run-of-river hydro, geothermal, and tidal power has, thus far, been rather limited. Global climate change (the result particularly of burning fossil fuels that release carbon dioxide) is a serious threat to all ecosystems and, indeed, the future of humanity (International Panel on Climate Change, 2014). Unfortunately, even though most industrialized countries and some less-developed countries have reduced their carbon emissions, Canada's emissions have increased substantially in recent decades.

As the world gradually moves toward reducing carbon emissions, and perhaps eventually having zero net carbon emissions, Canada may find that its economic wealth is in jeopardy, as its wealth is based, to a considerable extent, on fossil fuel extraction and production. The Canadian government, along with other members of the G7 made a commitment in 2015 to achieve a carbon-free economy by 2100. This would require fundamental changes in the Canadian economy. In fact, long before then, global warming will likely lead to the release of large quantities of carbon dioxide and methane (a highly potent greenhouse gas) that are sequestered in the Canadian Arctic tundra and Canada's forests as well as in the oceans.

International Climate Change Agreements

Several decades ago, scientists and international agencies became increasingly aware of the dangers of climate change caused, in part, by an increase in carbon dioxide and other emissions in the atmosphere that led to rising temperatures. The United Nations Framework Convention on Climate Change, an international environmental treaty agreed to by almost every country, was adopted in 1992 and came into force in 1995. The Canadian government took an active role in the negotiations that led to the Kyoto Protocol that was adopted in 1997, ratified by Canada in 2002 and came into force in 2005. Almost every country except the United States ratified the Protocol, which set a target for industrialized countries of reducing carbon dioxide emissions by 6 percent by 2012, compared to the level of emissions in 1990.

However, the Canadian government never met its legally binding targets. The Conservative government elected in 2006 withdrew from the Accord, claiming that Canada's economy would suffer from the substantial financial penalties that would result from the country's failure to meet its target to reduce emissions. Subsequently, Canada was strongly criticized at international climate change conferences.

In 2010, the United Nations Climate Change Conference reached an agreement that global warming should be limited to an increase below 2.0 degrees Celsius relative to the pre-industrial level when human activity did not have a substantial effect on the amount of carbon dioxide and other greenhouse gases in the atmosphere. This

was needed to keep the carbon dioxide and other greenhouse gases in the atmosphere to the equivalent of about 450 parts per million.

The Paris Agreement

In 2015, 195 countries, including Canada and the United States, signed the Paris Agreement that contained a commitment to keep the global temperature from rising 2 degrees Celsius above pre-industrial levels and to pursue efforts to limit the increase to 1.5 degrees. However, on January 1, 2017, the United States announced that it was withdrawing from the Agreement, claiming that it would permanently disadvantage the U.S. economically (although by the terms of the Agreement, the U.S. can't withdraw until November 2020).

To meet the terms of the Paris Agreement, the Canadian government is committed to reduce emissions by 80 percent by 2050, with an early target of 30 percent reduction by 2030. However, it will not be easy to reach even the 2030 target. A government agency, Environment and Climate Change Canada, has calculated that Canada will likely emit more than 725 megatons of GHGs in 2030 rather than the target of 524 megatons. Several provincial premiers oppose the imposition of a national carbon tax, and in April 2018, Saskatchewan Premier Scott Moe launched a constitutional challenge of the federal carbon tax.

Fossil Fuels and the Canadian Economy

Fossil fuels such as oil, coal, and natural gas are important elements of the Canadian economy, and about 77 percent of Canada's primary energy has come from fossil fuels (Natural Resources Canada, 2008). Canada has the third largest petroleum reserves in the world (behind Saudi Arabia and Venezuela) and is the fourth largest producer and exporter of oil in the world. Most of the reserves are located in Alberta. (See Box 4-4: Alberta Oil.)

Box 4-4 Alberta Oil

Canada's first major oil discovery was near Leduc, Alberta in 1947. This led to the discovery and production of substantial amounts of oil, particularly in Alberta. However, most of the oil production is now extracted from bituminous sands (also known as "oil sands" or "tar sands"). Diluent needs to be added to bitumen (a sticky, gooey form of heavy crude oil) in order to form synthetic crude oil that can be shipped by pipelines to refineries that produce the final products. The large-scale removal of forests, extraction of bitumen from sands, and processing of the bitumen has a substantially higher environmental impact and cost than the production of conventional oil.

Since Alberta produces far more oil than it needs, the oil needs to be transported. Because there is, as yet, not a cross-Canada pipeline, a substantial proportion of Alberta oil goes by pipeline from Canada to the Texas gulf coast (the location of world's largest heavy oil refineries). However, proposals to build the Keystone XL pipeline, which would carry more Alberta oil to Texas, was controversial in the United States and was blocked by President Obama. Although Trump signed an order in 2017 to allow the pipeline to go ahead, it was held up by a U.S. Federal Court. Thus, the heavy oil (used for diesel fuel) from Alberta's oil sands has been sold at a much lower price than the cost of production (Crooks, 2018, November 15).

A proposed alternative to the Keystone pipeline was to increase the capacity of Kinder Morgan's Edmonton-to-Burnaby, British Columbia, Trans Mountain pipeline from 300 000 barrels per day to 890 000 barrels per day. Large tankers would then ship the oil through Burrard Inlet and narrow straits to the Pacific Ocean on its way to Asian markets. The proposal faced considerable controversy as many people feared that the large tankers would increase the likelihood of a devastating oil spill. Many First Nations in British Columbia pointed out that there had been inadequate required consultation with them. With Kinder Morgan concerned about opposition to the pipeline, in May 2018 the Canadian government announced its intention to buy the pipeline for \$4.5 billion and to sell the pipeline at a later date.

On August 30, 2018, the Federal Court of Appeal rejected the pipeline expansion. In particular, the court found that the National Energy Board's process and findings about the Trans Mountain pipeline were flawed and unreliable, and that the National Energy Board had not adequately fulfilled its required duty to consult Indigenous peoples (Federal Court of Appeal, 2018, August 30). As well, the proposed project plan did not consider the effects of increased tanker traffic, environmental effects, and the public interest. On the same day as the court's decision, the pipeline was sold to the Canadian government.

Ninety-nine percent of Canada's oil exports in 2017 went to the United States (Natural Resources Canada, 2018).

In 2017, Alberta produced 80.7 percent of Canada's crude oil, Saskatchewan 11.7 percent, offshore Newfoundland 5.3 percent, British Columbia 1.4 percent, and the rest of Canada 1 percent. Ninety-nine percent of Canada's oil exports in 2017 went to the United States (Natural Resources Canada, 2018). The Alberta, Saskatchewan, and Newfoundland and Labrador governments rely heavily on the revenues from fossil fuels to finance government programs. As well, the production and transportation of fossil fuels provides well-paying jobs for many workers. The Canadian government has heavily subsidized oil and gas producers. For example, in the 2013–2014 fiscal year, the Canadian government provided cash and tax breaks of \$3.314 billion to oil and gas producers (International Institute for Sustainable Development, 2015).

In the 2015 federal election campaign, the Liberal party of Canada promised to phase out government subsidies to the fossil fuel industry. In 2016, the Canadian government indicated that the subsidies would be eliminated by 2025. A year later the auditor general tried to test the progress in phasing out the fossil fuel subsidies, but the government refused to provide documents (Rabson, 2018).

Not all major projects to produce and deliver fossil fuel to foreign markets have failed. There has been strong support from British Columbia's New Democratic Party government for the first phase of a \$40 billion liquefied natural gas development. LNG Canada, a consortium led by Royal Dutch Shell with Petronas (Malaysia), Petro China, Mitsubishi (Japan), and Kogas (South Korea), is planning to drill in northern British Columbia. The natural gas would be delivered by a 670 km TransCanada pipeline to a large processing plant (on Haisla Nation's traditional territory) near Kitimat, British Columbia. From there it will be shipped to Asia. Although it has to pass through narrow channels, the natural gas will be super-cooled so that it would likely evaporate if spilled, and the ships will operate at reduced speed and be escorted by tugboats before reaching the open ocean.

Unlike some other pipeline projects, LNG Canada worked hard to gain the support of all of the 25 Indigenous groups and the communities in the region. The project was offered a break on the carbon tax and an exemption on the British Columbia provincial sales tax for construction costs (Schmunk, 2018, October 2). Major benefits in training, employment, contract opportunities for Indigenous businesses, and payments to bands were promised (Jang, 2018, November 17). Nevertheless, although the project has been given the go-ahead, with all the required approvals, the British Columbia minority government relies on the British Columbia Greens to govern. The two parties have an agreement to reduce greenhouse gases in the province by 40 percent by 2030 and 80 percent by 2050.

Carbon Tax

The Trudeau government made the adoption of a carbon tax (applied on industries producing oil products, natural gas, and coal-fired electricity) a major element in trying to meet the goals of the Paris Agreement. A carbon tax is a key method to reduce carbon emissions by taxing the carbon emissions of industries. The Canadian government initially planned that all industries would pay a 30 percent tax for their carbon emissions in any province that did not establish a tax that met federal standards for carbon pricing. However, faced with sharp criticism by several provincial governments, the Canadian government modified its plan such that most industries would face a tax set at 20 percent of their carbon emissions, while some industries that face a high risk of foreign competition might only face a 10 percent rate that relied on exports. Large industrial emitters would be taxed on a portion of their emissions based on how efficient they are relative to industry peers.

Box 4-5 Cap and Trade

Cap and trade is a market-based approach to reducing the amount of emissions. Basically, the government sets an overall limit (cap) on emissions and issues permits to allow companies to release a certain quantity of pollutants in a year. If a company needs to exceed the amount of pollutants it is allowed by its permit, it may purchase permits from other companies that have not reached their emissions limit and thus can trade part of their emissions right for cash. Over time, typically once a year, the cap is gradually reduced. If a company has reduced its emissions to the lowered cap, it will not have

to buy allowances from another company or from an emissions market. Thus, it is profitable for a company to reduce its emissions below the cap by selling (trading) some of its allowances.

This approach has been used with considerable success in the European Union (the Emissions Trading system) and in California. China, the world's largest greenhouse gas emitter, started a national carbon market in 2017.

SOURCE: Environmental Defense Fund (2018). How cap and trade works. Retrieved from www.edf.org

The Canadian government also announced a plan, beginning July 2019, to place a levy on provincial governments that have not adopted their own measures such as a carbon tax or a cap-and-trade system to reduce carbon emissions. (See Box 4-5: Cap and Trade.) The governments of Ontario, Manitoba, and Saskatchewan, which do not have a provincial carbon tax, will be subject to a Canadian government's levy. Although New Brunswick has a provincial carbon tax, the Canadian government believes that it is insufficient. Thus, the levy will apply to that province unless it increases its carbon tax. The federal tax for these four provinces was planned to start in 2019, with a price of \$20 per tonne of carbon emissions (equivalent to 4.4 cents per litre of gasoline). The price would rise by \$10 per tonne each year until reaching \$50 per tonne in 2022. However, each household in these provinces would receive an annual rebate each year generally ranging from \$46 to \$195.

The provincial governments that have accepted the Canadian government's requirements will develop their own carbon pricing system involving either a direct tax or a cap-and-trade system. For example, the carbon tax on gasoline in British Columbia in April 2019 is 8.89 cents, rising to 11.12 cents in 2021. These provincial governments can decide whether they want to provide a rebate to household (*The Globe and Mail*, 2018, November 14).

Summary and Conclusion

Canada is fortunate in being a prosperous country. However, Canada has depended on natural resources for more of its wealth than most other developed countries. The Canadian economy also relies heavily on trade with the United States, and some of the country's major industries are owned by foreign (particularly American) companies. The North American Free Trade Agreement (NAFTA) resulted in a high level of economic integration in North America. This will likely continue with the United States–Mexico–Canada Agreement (USMCA). Canada has also negotiated a number of trade and investment agreements with a number of other countries and groups of countries. Supporters of the agreements point

out the economic benefits of accessing markets around the world and the benefits of lower prices for consumers. Critics are concerned that large-scale foreign imports could be harmful to Canadian workers, farmers, and businesses by flooding the Canadian market with low-priced products.

Canadian governments have often played an active role in developing the Canadian economy. Although government policies continue to have an important influence on the economy and business activities, privatization and deregulation in recent decades have reduced the role of government. The focus of governments on facilitating rapid economic growth, particularly through large-scale natural

resource developments, can have long-term negative environmental effects. Canadian governments are going to have to take major steps to move the country to a low carbon and, eventually, a zero net carbon emission world.

Canada has generally avoided the severe social divisions that afflict many countries. Nevertheless, divisions based on class, region, gender, sexual orientation, ethnicity, nationality, race, religion, and Indigeneity continue to create important challenges to the cohesion and solidarity of

Canadian society. The growth of income inequality and the concentration of power in the hands of large corporations have been criticized, particularly by those who believe that Canadian democracy should strive for greater equality.

Overall, good government involves ensuring that Canada's economic prosperity is sustainable and benefits all Canadians, that the natural environment is protected, and that different groups and individuals in society are treated fairly and equitably.

Discussion Questions

1. Should Canadian governments take a greater role in directing the economy?
2. Should Canadian governments try to limit foreign ownership of Canadian businesses?
3. What are the advantages and disadvantages of Canada's free trade agreements?
4. Are foreign investment promotion and protection agreements desirable?
5. Should Canadian governments be more active in pursuing greater social and economic equality?
6. Should Canadian governments make pay equity and employment equity mandatory?
7. Why are carbon taxes controversial?
8. Will it be difficult for Canada to meet its commitments to the Paris Agreement?
9. Is a low or zero net carbon emission economy feasible and desirable?

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Chapter 5

Political Culture



Andrew Zarivny/123RF

In much of the world, Canada evokes images of snow-capped mountain peaks, conifer-clad slopes, and turquoise lakes, such as this photo of iconic Lake Louise, Alberta. In 1984, UNESCO designated seven parks of the Canadian Rockies as World Heritage sites



Learning Objectives

After reading this chapter, you should be able to

- 5.1** Explain the meaning of political culture and its antecedents.
- 5.2** Discuss the theories used to analyze Canadian political culture.
- 5.3** Examine the quest for a national political culture, and determine whether one exists.
- 5.4** Assess the belief that there are distinctive political cultures within Canada.
- 5.5** Determine the extent of the similarities between Canadians and Americans.

Former Prime Minister Mackenzie King lamented that Canada has too little history and too much geography. This suggests that King assumed that history began when Europeans set foot on Canadian soil and that its geography was inconsequential. Little did he know how precious it was to generations of Indigenous people and would be to later settlers; nor could he foresee that it would become bound up in the Canadian identity.

The vastness of the country, the diversity of its landscapes, and the appeal of its pristine wilderness have inspired writers, film-makers, and artists, such as the Group of Seven. But geography has also influenced the ways Canadians see themselves, how they work, and how they play. With one-fifth of the world's fresh water, the country is dotted with lakes like Lake Louise, which attract millions of tourists, campers, and cottagers from across the country and around the world.

Canada's vast, awe-inspiring landscape continues to enthrall, but it is also humbling. The North, which comprises over 40 percent of Canada's land mass, has also featured prominently in the Canadian imagination: remote and inaccessible, it was a region steeped in mystery partly because few people travelled there. The national anthem refers to the "True North strong and free," and the Great White North was a term applied to Canada long before SCTV (with the stereotypically Canadian brothers Doug and Bob Mackenzie) used it to name their TV sketch. The harsh climate has been associated with characteristics such as ruggedness and toughness, but it also demands cooperation to cope with life's challenges. At times, the North is seen as the land of promise. In the 1950s, Prime Minister John Diefenbaker had a vision of opening up the region to tap into its abundant natural resources. In the twenty-first century another Conservative prime minister, Stephen Harper, revived interest in the treasure trove of resources locked under the permafrost.

There are few places that are still inaccessible any more due to technological advances that have, on the one hand, enabled access to the remotest spots and, on the other, contributed to climate change. The fabled Northwest Passage that lured Franklin and his crew is now attracting cruise ships and may soon become a busy commercial shipping route. Climate change is literally changing the Canadian landscape. Melting glaciers and thawing permafrost are rapidly transforming the topography that has informed our sense of who we are. What might be the impact of these changes on our cultural landscape?

Chapter Introduction

Former British Prime Minister Margaret Thatcher once famously said, "There is no such thing as society. There are individual men and women and there are families." Thatcher's comment epitomizes her government's right-wing ideology.¹ More importantly, it raises broader questions about the nature of society. Is it true that society does not exist? Are we merely a collection of atoms with ties only to family members? Or do Canadians share more than a geographic space? If so, what is it that binds them together and what makes them distinct from people in other countries?

Philosophers and other social scientists have grappled with these questions for centuries. In the absence of ties of blood and tribal loyalties, we need to understand what enables a population to live in social harmony. The search led eventually to the notion of political culture which describes the common values and beliefs that exist in a society (Almond, 1956). The term was first used by political scientist Gabriel Almond and since then it has attracted a great deal of scholarly attention. In this chapter, we will explore fundamental values and attitudes shared by Canadians across the country and embodied in important public policies. We will also compare Canadian and American political culture to determine the extent which we share more than a physical border.

¹ Her government privatized state-owned enterprises, made massive cuts to social programs, and deregulated financial markets. The latter move was dubbed the "Big Bang" because of the profound impact it had on the movement of capital, which "exploded" across borders, aided by electronic transactions (United Nations, 2009).

The Road to Political Culture

5.1 Explain the meaning of political culture and its antecedents.

A way station on the road to political culture was the idea that a national character could be discerned in each country. The concept of national character focused on shared psychological and cultural characteristics in a country. Interest in what makes people more “governable” preceded national character studies by centuries: Plato, Aristotle, and Herodotus sought to discover the causes of differences among societies, cities, and leaders (Wiseman, 2007, p. 13).

The proposition that citizens within the boundaries of a nation shared a unique set of universal human traits from which one could detect a national character emerged in Europe in the seventeenth century. Philosophers like Hume, Montesquieu, and Rousseau were preoccupied with this concept. David Hume argued that each nation is unique in that it has a “peculiar set of manners” and qualities that differ from those of its neighbours. These are an artifact of different social institutions and the interaction between laws and economics (Hume, 1987). For Montesquieu, climate played a central role in the mindset of nations along with religion, laws, history, mores, and manners. His contemporary, Jean-Jacques Rousseau, agreed with his list of influences on national character but added national consciousness to the mix. He drew attention to the importance of distinctive cultural and religious traditions celebrated in a nation, which contributed to a national consciousness (Kra, 2002). Theories of national character were later criticized, but the initial recognition that it was important to explore what bound individuals together in newly minted nation states was a stepping stone to modern notions of nationalism and political culture.

The fascination with social and political behaviour in other countries and making comparisons with our own, has long been a popular pastime for Canadians. Based on the often inaccurate pictures we form, we tend to stereotype other cultures and weave a flattering narrative of our own. We are often accused of asserting our moral superiority over the Americans, portraying them as shallow, materialistic, and individualistic (Brooks, 2014). Many of these perceptions are absorbed through jokes about people from other countries, many of them benign and funny but some racist and unsettling.

One cross-national study investigated whether views held within and outside a country about dominant national character traits (e.g., that the English are reserved, the Chinese industrious, and Americans arrogant) are inaccurate. In their study of over 50 countries, the researchers concluded that these stereotypes do not just exaggerate real differences, they are fictions (McCrae & Terracciano, 2006, p. 160). Self-perceptions of the national character were equally dubious. A study of political culture offers more rigorous evidence than relying on impressionistic generalizations to judge citizens of other countries.

What Is Political Culture?

Scholars have grappled with broader conceptions of societal and national identities for centuries. When the term **political culture** was coined in 1956, it became the preserve of political science. A country’s political system is inextricably linked with the culture in which it is embedded, and this explains the nexus between the two. Political culture consists of values and beliefs that condition political action, the lens, or filter, through which citizens see their political world (Bell, 2000). It is embedded in the culture that surrounds us and makes sense of our political and social situations. Just as

Political Culture

The fundamental political values, beliefs, and orientations that are widely held within a political community.

culture is stable, enduring, and cross-generational, political culture is deeply embedded (Wiseman, 2007, p. 13).

Deeply held values and beliefs are important building blocks of a political system. They provide the underlying assumptions and unspoken rules that govern behaviour and expectations in a political community. These values and attitudes are embodied in political institutions, sustained by political myths and symbols, and perpetuated by political socialization. It is recognized that institutions define and are a product of values, norms, and beliefs held in a country (MacIvor, 2006). A major Canadian institution, the parliamentary system, requires teamwork and collegiality reflecting the primacy of the group over the individual. The opposite is true of the American legislature which epitomizes individualism, the centrepiece of American political culture. Individuals introduce bills, and in some cases legislation is named after individuals (e.g., the Glass-Steagal Act, relating to banking, or the Taft-Hatley Act, which regulates union activity). This contrast neatly captures the reciprocal nature of values and institutions.

Through the process of **political socialization**, political culture is transmitted to children and immigrants, thus ensuring continuity in socializing these groups. There are a number of agents of political socialization, beginning with the values absorbed from parents, friends, and peers. The education system, the media, political parties, and a host of religious, political, and social organizations also play a part in the process. While political culture is not carved in stone, it changes gradually when important developments lead to changes in the way people think about their political world.

Fundamental values are not the only ingredient in a political culture. Shared histories, memories, and experiences also play a role, along with a stock of myths and symbols that help in integrating a community. Every country develops a set of myths about its founding and other significant events, which are passed on to succeeding generations. Similarly, symbols are invoked to appeal to the population to celebrate past glories or humiliations that resonate with the population. Sometimes these symbols are used by elites to manipulate the population (Dittmer, 1977). Some Canadian symbols, such as the monarchy, have not been universally accepted. (See Box 5-1: Important Canadian Symbols.)

Political culture sets limits on what is acceptable in a particular society. For example, if the government issued an identity card to every adult and the police had the right to stop people at random and demand to see it, Canadians would be outraged. Political culture provides the setting but not the script (Dacks, 1986, p. 87). However, a political culture can change over time. Deference to elites has declined over time in Canada and in other advanced industrial states since the 1980s (Nevitte, 1996). The change had its roots in a tumultuous political period in Canada (when constitutional change took place and a free trade agreement with the United States was being negotiated) but also reflects the trend in other countries.

Political Socialization

The process by which new generations and immigrants are socialized into the political culture.

In Search of Canadian Political Culture

It is often assumed that each country has its own distinct political culture based on shared histories, the characteristics of the population, the economy, and the geography, but the search for a unified and distinct Canadian political culture has been elusive. First, broad similarities exist among countries, especially Western liberal democracies. The Canadian political community bears a strong resemblance to former British colonies such as Australia and New Zealand, which share the colonial experience as well as an institutional structure (Inglehart, 2009). Furthermore, the political values, beliefs, and orientations of a particular country do not usually develop in a void, isolated from the ideas of other countries. The United States is

Box 5-1 Important Canadian Symbols

By tugging at the heartstrings, myths and symbols play a vital role in integrating a society. They can be an inspiration or a call to arms for citizens.

The Americans have inspiring symbols in spades: for instance, the Declaration of Independence, the constitution, and the flag. They are invoked to mobilize the population and to remind them what makes America great.

Stirring prose is conspicuously absent in Canada: our “no frills” constitution is a workmanlike document that reads more like a lease agreement than an appeal to national pride. Throne speeches do not stir the blood like inaugural speeches delivered by the American President. When the Canadian flag was adopted in 1965, it was preceded by a rancorous debate both within the House of Commons and among the general public. Since then it has become a proud symbol that American tourists allegedly sewed on their backpacks because it elicited a warmer response than the stars and stripes.

The monarchy is another controversial symbol, rejected by Quebec and a matter of indifference to an increasing number of people in the rest of Canada. There

may be a lot more interest in the monarchy as exemplified by young royals like Prince William and his wife, Kate, as well as Prince Harry and his inter-racial spouse. However, this is rooted more in their celebrity status than in attachment to the monarchy.

The Charter of Rights and Freedoms is unequivocally a potent and positive symbol that unites Canadians. Although it has its detractors, this tangible evidence of what the country stands for is a source of pride. The Charter is a unifying symbol, as is the Canadian health care system.

It should be noted that the status of a symbol can change over time, and we have witnessed this phenomenon in the southern U.S. as well as in Canada. The removal of statues of former heroes in both countries demonstrates that yesterday's heroes can become today's villains. For example, the statue of Halifax founder Edward Cornwallis was removed from its pedestal. The site he selected lay on Mi'kmaq hunting grounds, and, following resistance from them, he issued the “scalping proclamation.” His government offered a bounty to anyone who killed a Mi'kmaq adult or child (producing their scalps) or took them prisoner (Tattre, 2018).

Canada's only neighbour—and a very powerful neighbour at that. Not surprisingly, there are close ties between the two countries, including a strong trading relationship. Culturally, Canadians have been influenced by American political values through their mass media and entertainment industry. In addition, most of the Canadian population lives within approximately 200 kilometres of the American border, and thousands of Canadians travel frequently to the United States to shop or to escape the cruel winters.

Finally, despite the existence of a broadly shared political culture in each country, often genuine differences exist within the boundaries of a particular country. There may be regions or groups within a country that have clashing values and beliefs. Many countries, like ours, have subcultures that are variations on the national political culture. In some cases, the differences are so fundamental that it casts doubt on whether there is a single, unified political culture.

Analyzing Political Culture

5.2 Discuss the theories used to analyze Canadian political culture.

Canadian political scientists have used two major approaches to analyze political culture. The first approach, which will be discussed in this module, draws on the building blocks of a country's history. These include the constitution, governing institutions, and Confederation debates. From the work of contemporary literary figures such as Margaret Atwood and John Ralston Saul, and through figures in popular culture such as the late Gord Downie of the Tragically Hip, we can glean something about what matters to Canadians. The historical approach has its limitations in that it may reflect outdated values and concerns from an era when the franchise was limited, as was the ambit of governments. Nevertheless, there are formative events that

cast a long shadow over a country even as its political values adapt to a changing economy and society.

The second analytical approach involves the use of sample surveys that ask Canadians about their values, attitudes, and beliefs and their opinions on specific issues. Well-designed surveys can quite accurately capture the views of a population at a given moment, with a sample of 1000 or 2000 people. However, public opinion at a particular moment may reflect fundamental values and beliefs or simply a temporary or knee-jerk reaction to current events. Understanding Canada through a quantitative lens is the focus of “A National Political Culture.”

Theoretical and Historical Approaches to Understanding Political Culture

A political culture is like an umbrella under which more than one ideology may co-exist, and, as we shall see, most Canadians exhibit a mashup of three major ideologies. A **political ideology** is a coherent and explicit cluster of beliefs, values, and attitudes that guide political action (Bell, 2000). These are often based on assumptions about human nature. The three major ideologies that have shaped Canada and other Western democracies are **conservatism**, **liberalism**, and **socialism**. (See Box 5-2: Major Political Ideologies and Perspectives.) Knowing the components of

Political Ideology

A set of ideas, values, and beliefs about politics, society, and the economic system, often based on assumptions about human nature.

Conservatism

An ideological perspective that generally looks to laws, based on traditional (religious) moral values and established institutions to maintain an orderly society.

Liberalism

An ideological perspective that emphasizes the value of individual freedom, based on a belief that individuals are generally capable of using reason in pursuit of their own interests.

Box 5-2 Major Political Ideologies and Perspectives

The ideological spectrum in the Western world evolved from conservatism to liberalism and then socialism. Liberalism emerged with the rise of the merchant class, which challenged the power structure. At the dawn of the industrial revolution, socialism was born to reflect the interests of the working class.

Conservatism

Conservatism holds that group interests are more important than individual interests and that elites should protect the collective good of society: the concept of *noblesse oblige*. A conservative is someone who conserves and does not embrace change with enthusiasm. Its adherents favour traditions (often religious), moral values, and established institutions to maintain an orderly society. They feel some are born to lead and others to follow.

Liberalism

Liberalism places great emphasis on individual liberty. Individualism reflects the belief that individuals can use reason in pursuit of their interests. This leads logically to the belief that freedom of speech, religion, etc., are essential. Liberals are egalitarian, rejecting the notion of privilege. Classical liberals believe government interference in society and the marketplace should be minimal.

Socialism

Socialism places high value on social and economic equality. Synthesizing conservative and liberal values, it emphasizes the

importance of group interests, as does conservatism, but rejects elitism. Like liberals, socialists are egalitarian, but unlike liberals, they believe in a positive state that levels the playing field for the disadvantaged. Therefore, socialists look to government to provide services to all and to redistribute wealth. Formerly, they also favoured government ownership of the major means of production.

These ideological perspectives have evolved over time, and many variations exist. Labels used in the twenty-first century differ from the original usage. Reform or welfare liberalism favours an active role for government. Supporters of neo-liberalism believe in free trade, de-regulation, lower taxes, and the privatization of many government services. Contemporary conservatives share neo-liberalism's emphasis on limited government with tough-on-crime measures. Social conservatism focuses on maintaining traditional moral and religious values. Contemporary socialists (often termed “social democrats”) no longer advocate the nationalization of industry but oppose privatization and support government regulation of the economy.

Other perspectives are also important in Canada. Feminism challenges male-dominated power relations and seeks to end the subordination of women. Environmentalism challenges unsustainable economic growth and seeks to develop a better relationship with nature. Nationalism emphasizes the importance of the people being able to govern themselves and promote their culture and values.

The takeaway from the above discussion is that labels are confusing and are often used erroneously in political discourse.

Socialism

An ideological perspective that emphasizes the value of social and economic equality and generally is critical of the capitalist economic system.

Founding Fragments Theory

The theory that in the founding of new societies only a fragment of the political culture of the “mother country” formed the basis for the political culture of the new society.

Formative Events Theory

A theory that emphasizes the importance of a crucial formative event in establishing the basic character of a country’s political culture.

each of them will help you to comprehend where Canadians fit on the ideological spectrum. It is worth noting that it is primarily members of an educated elite who hold a coherent set of values and beliefs that is consistent with a single political ideology.

Founding Fragments Theory

The **founding fragments theory** of American political scientist and historian Louis Hartz has been the jumping off point for a number of studies of Canadian political culture (Hartz & McCrae, 1964). He theorized that because new societies (colonies) founded by Europeans were only fragments of the entire ideological spectrum that existed in Europe, this had implications for their political culture. The ideological evolution, as described in the preceding section, advanced from right to left: from conservative to liberal and then to socialist.

The core of fragment theory is the idea that the political development of new societies such as Canada, the United States, and Australia was largely determined by the ideological heritage that was transmitted from Europe by the first settlers. In other words, the leading ideological perspective in the “mother country” at the time of colonization tended to become the dominant or sole ideology of the new society. Hartz characterized the United States as a classical liberal fragment unaffected by other ideologies. His contention was that America was not fertile for socialism because this third major ideology represents a synthesis of conservative and liberal ideas. Lacking the conservative ingredient, American ideological development would take place only within the framework of the liberal perspective. Indeed, Hartz claimed that classical liberal ideas had become the unthinking dogma of the United States: it became the basis for nationalistic views of American superiority, creating a lack of tolerance for those daring to express different ideological views. Canadian political scientist Gad Horowitz remarked that in the United States John Locke, the father of liberalism, was the one true god (Horowitz, 1966).

According to Hartz, Canadian political culture should be analyzed in terms of two separate “fragments,” one French and the other English. French Canada, established in the seventeenth and eighteenth centuries when authoritarian conservative values still dominated in France, was a “feudal fragment.” English Canada was viewed as a classical liberal fragment. Hartz does take note of Indigenous peoples, the original founders of Canada, but does not regard them as playing a significant role in the development of Canadian political culture.

Formative Events Theory

Another American academic, Seymour Martin Lipset, a sociologist and political scientist, conducted an influential comparison of Canadian and American political culture. His early work on his **formative events theory** compared the origins of the United States and Canada, one revolutionary and the other counter-revolutionary (Lipset, 1970). He revisited this topic in 1990. In his opinion, the nature of each country’s birth was significant: while Canada had a natural birth, the United States had a caesarian section, and the different inceptions influenced how each country evolved.

Lipset argues that the American Revolution left an indelible mark on that country, stripping it of British values and the institutional structure that supported them. Canada, on the other hand, was shaped by the slow process of disengagement from Britain and therefore retained many of its values and institutions. The rejection of all things British is reflected in the hallmarks of American political culture: individual freedom, a preference for minimal government, populism, and equality of opportunity. Lipset refers to these as the American creed: “a set of dogmas about

the nature of a good society" (1990, p. 26). Canada's counter-revolutionary history meant it began a slow march toward democracy as it was evolving in Britain. It is interesting to contemplate how history might have unfolded in the United States had they achieved responsible government and other baby steps toward greater autonomy.

Canada did not turn against the mother country, instead it retained its parliamentary system, the monarchy, and, hence, the values underpinning them. These are reflected in deference to elites, a more favourable view of governments, and a greater respect for law and order. Lipset attributed these values to conservatism (in the traditional sense) because of Canada's counter-revolutionary past.

Unlike Hartz, Lipset does not believe that political culture congeals at the birth of a new society, noting that both political cultures have since evolved. Canada has become more individualistic and democratic, especially since the adoption of the Charter of Rights and Freedoms. Americans have accepted a greater role for the state, notably through the welfare state and affirmative action programs.

Different Perspectives

The founding fragments theory has been challenged on numerous grounds. Critics have questioned the claim that Quebec was ever a "feudal fragment" or whether Hartz is perhaps confusing feudalism with ultramontanism (Forbes, 1987).² Despite the dominance of authoritarian conservatism in French Quebec, liberal ideas were also present, becoming more significant in the 1950s and 1960s.

English Canada was viewed by Hartz and McCrae (1964) as a classical liberal fragment. However, this depiction of English Canadian political culture is also controversial. Others have argued that the United Empire Loyalists who fled the American Revolution because of their ties to the British government brought a "Tory touch" or "Tory streak" to Canada. This "Tory touch" was an element of traditional conservatism that included the defence of hierarchical rule by a privileged elite on behalf of what they viewed as the collective good of the nation and a greater concern for order than for individual rights (Horowitz, 1966). Horowitz contends that the "Tory touch" laid the foundation for some degree of acceptance of the socialist ideas that were brought to Canada by subsequent waves of British immigrants (Horowitz, 1966; Wiseman, 1988). This is because the idea that government should act for the collective good of society (an important aspect of socialism as well as traditional conservatism) had not been rejected as an "alien" perspective as it has in the United States. Under this perspective, Canadian political culture is more diverse than the American political culture. Liberalism is the leading ideology, but conservative and socialist ideas also contribute to Canada's ideological landscape.

Several aspects of Horowitz's analysis have been contested. Ajzenstat has dismissed the idea that the United Empire Loyalists had Toryism in their luggage and argues that their luggage contained only classical liberal, individualistic views (Ajzenstat, 2014). Another problem with Horowitz's analysis is that socialist ideas found acceptance in those areas of the country where the "Tory touch" is weak or nonexistent. Socialist ideas have played a more significant role in the political culture in parts of western Canada than in parts of Ontario and the Maritimes, where Loyalist influence is most strongly felt. As well, it has been pointed out that the social democratic version of socialism that has gained popular support in Canada is not that different from welfare liberalism—the version of liberalism that is characteristic of the left wing of the Liberal party (Forbes, 1987).

² This form of Catholicism, which is anti-liberal and suspicious of Protestantism, prevailed in French Canada in the nineteenth century.

Horowitz also disagreed with Hartz regarding the congealment of a political culture. Hartz argued that the ideology of the European settlers (the fragment) congeals at the point of its departure from the mother country—it is pre-ordained and permanent. In Horowitz's opinion, the fragment is not caught in an unchanging time warp because the "founding" of a new nation could go on for generations.

The fluidity of a nation's political culture is also something that interests Nelson Wiseman (2007). He too rejected the notion that fundamental features of political culture became fixed at the time of early settlement. Rather, they were influenced by successive waves of immigrants who did bring new ideas to Canada in their baggage, and these ideas were folded into Canadian political culture. The Loyalists over 200 years ago and subsequent waves of immigrants when the prairies were being settled all influenced the ideological development of their new home. Socialist ideas came to Ontario and the West with immigrants who travelled from Britain after 1900, when the Labour Party was founded. The Prairies, especially Alberta, were fertile soil for populist ideas that rippled up from the United States. Since the end of World War II, immigration policy has changed, bringing in people who have a variety of perspectives. This has made Canada a very cosmopolitan country, but their impact on Canadian political culture has not yet been established.³

Lipset's formative events theory has been criticized for ignoring French Canada, and there are numerous challenges to his contention that differences between Canada and the United States persist (Nevitte, 1996; Grabb & Curtis, 1988).

Post-Materialist Theory

Post-Materialist Theory

A theory that those who have grown up in relative security and affluence are more likely to give priority to post-materialist values rather than materialist values.

Post-Materialist Values

Values such as self-expression, participation in economic and political decisions, emphasis on the quality of life, tolerance of diversity, and concern for environmental protection.

Ronald Inglehart (1977, 1990) developed a **post-materialist theory** about changes in political culture related, in part, to the economic changes since the 1940s. His theory contends that those who have grown up in relative security and affluence (as has been the case for Canada and other Western countries since World War II) are more likely to give priority to **post-materialist values** such as self-expression, participation in economic and political decisions, emphasis on the quality of life, tolerance of diversity, and concern for environmental protection. Earlier generations tend to prioritize materialistic values such as a concern for economic growth, order, and physical security.

Inglehart and his colleagues argue that post-materialism—combined with the development of a post-industrial, knowledge-based economy; greater access to higher education; and more effective means of mass communications—has led to a number of significant political trends. These include greater citizen activism, the questioning of authority, the development of new political parties and new social movements, the raising of new types of issues (such as issues related to the environment and gender equality), and the development of more liberal social values (Dalton, 2006). For example, there has been a substantial decline in recent decades in moral traditionalism (particularly reflecting a greater acceptance of homosexuality) in Canada. Feminist and environmentalist perspectives have also become increasingly important.

At the same time, the extent of value change should not be exaggerated. The majority of the population exhibits a mixture of materialist and post-materialist values. Nevertheless, when faced with a hypothetical choice between "giving priority to protecting the environment even if it causes slower economic growth and some loss of jobs" or "making economic growth and job creation ... the top priority even if the environment suffers to some extent," 72.2 percent of Canadians chose the environmental

³ Many new immigrants with socially conservative values have been recruited by pro-life groups such as the Campaign Life Coalition to influence public policy and sympathetic politicians. *Globe and Mail* columnist Konrad Yakabuski has argued that Doug Ford's election as the leader of Ontario's Progressive Conservative Party would not have been possible without the mobilization of social conservatives (Yakabuski, 2018, March 17).

priority over the more materialist one. In comparison, only 54.1 percent of Americans chose the environmental priority (World Values Survey, 2006).

A National Political Culture

5.3 Examine the quest for a national political culture, and determine whether one exists.

A frequently asked question is whether there is a pan-Canadian set of values and beliefs that binds this country together. As discussed in Chapter 3, it is challenging to build a unified political community in a diverse society. Regions that are culturally and linguistically distinct, especially Quebec, insert additional strains, which suggests that the glue that holds the country together can easily come unstuck. Nevertheless, like the physics-defying bumblebee, against all odds, Canada exists and thrives.

Scholars have argued that there are diverse subcultures that coexist in this country, so the search for a single, unifying political culture is fruitless (Wiseman, 2007; Henderson, 2010). Nevertheless, it can be argued that despite the differences, there is widespread support in Canada for bedrock democratic values and beliefs that are also found in other Western democracies. These include a desire for freedom, competitive elections, human rights, tolerance of different viewpoints, and the rule of law. The degree to which each of these is espoused in different countries varies, so it is safe to say that despite broad commonalities, each country has a unique political culture.

Common Beliefs and Values

At the most basic level, Canadians are strong in their belief in democracy as an organizing principle, with 79 percent of respondents agreeing that it is better than any other form of government (EnviroNics, 2016b). When asked specifically about their satisfaction with how democracy was working in Canada, 70 percent of the sample was satisfied. The corresponding figure for the United States was 46 percent.

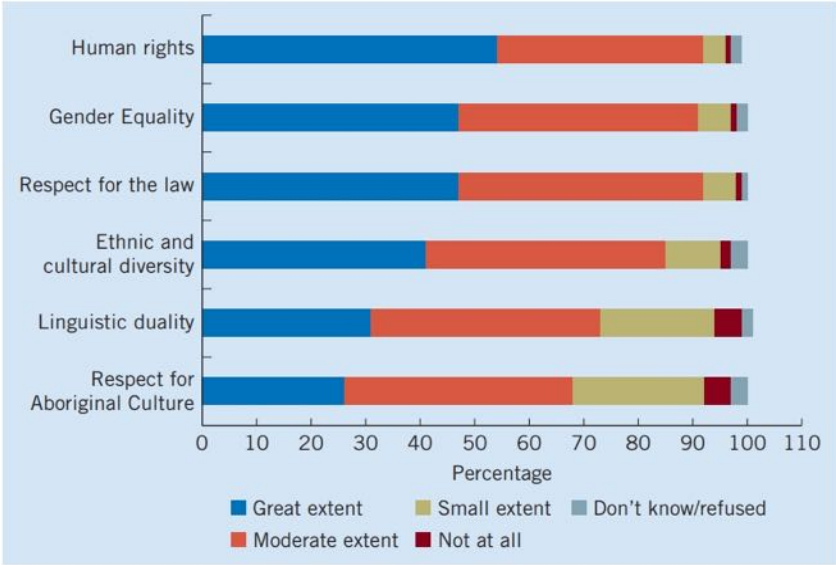
Canadian values played a prominent role in the political discourse during the 2015 federal election campaign and beyond. When asked to identify the most important factor in determining their vote in the 2015 federal election, 47 percent of respondents said it was the party that best reflected their values (Graves, 2016). One might argue that the term has been weaponized, being invoked by political parties of all stripes to establish their credentials as guardians of the Canadian identity.

Prime Minister Trudeau caused a stir when he told a writer from the *New York Times Magazine*, “There is no core identity, no mainstream in Canada. There are shared values—openness, respect, compassion, willingness to work hard, to be there for each other, to search for equality and justice. Those qualities are what make us the first post-national state” (Lawson, 2015, December 5). Largely echoing these sentiments, when asked to identify the top three Canadian values, respondents mentioned rights and freedoms, respect for others, and kindness and compassion (Nanos, 2016).

The discussion of Canada’s diverse population (Chapter 3) demonstrates the complexity of navigating the Canadian cultural landscape. Yet, as Figure 5-1 illustrates, Canadians are confident of the values that define them and the image they have of themselves.

Almost two-thirds of respondents believe Canadians share common values, although it should be noted that in Quebec less than a majority (49 percent) agree (Sinha, 2015).

Figure 5-1 Most Believe that Canadians Collectively Share the Values of Human Rights and Gender Equality



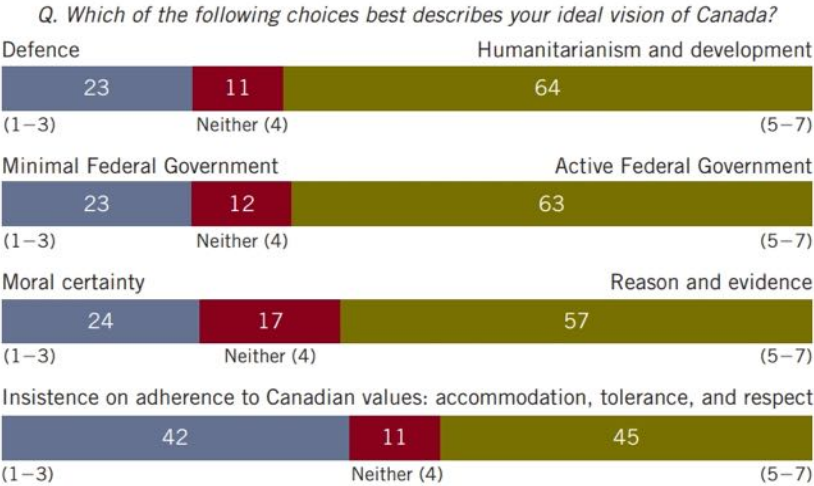
SOURCE: Statistics Canada. (2013b), General Social Survey, 2013. Retrieved from <https://www.statcan.gc.ca/pub/89-652-x/89-652-x2015005-eng.htm#n8-refa>

Canadians also have definite views on the ideal vision for the country. (See Figure 5-2.) Humanitarianism and development scored high, as did an active role for the government. Despite strong support for ethnic and cultural diversity, there is concern about a possible dilution of Canadian values. A bare majority, 51 percent, of Canadians agreed with the statement that too many immigrants coming to this country are not adopting Canadian values. Those who disagreed comprised 43 percent of the sample (Environics Canada, 2018c).

Views about Government and Politics

The ringing endorsement of democracy mentioned in the previous section stands in stark contrast to views about specific aspects of our political system. Only 4 percent of Canadians had a very positive opinion of politicians, and 18 percent had a somewhat

Figure 5-2 Preferred Vision for Canada



BASE: Canadians: October 8–12, 2015 (n=1, 124), MOE +/-2.9%, 19 times out of 20

SOURCE: Ekos Politics. (2016, January 11). The Reinstatement of Progressive Canada. Retrieved from <http://www.ekospolitics.com/index.php/2016/01/the-reinstatement-of-progressive-canada/>

positive opinion of politicians. Thus, only one in five Canadians views politicians favourably, compared with 9 out of 10 who respected firefighters and nurses. Farmers and doctors (88 percent and 87 percent, respectively), teachers (86 percent), and veterinarians (82 percent) followed on the list of 28 professions that were regarded positively. Politicians were dead last, at 22 percent, after car salespeople, who were viewed positively by 26 percent of respondents (Insights West, 2018).

Political trust exists at the level of political institutions as well as the political actors who inhabit those institutions. Cross-national research has found that in most advanced industrial democracies, trust in government and political institutions has declined, and Canada has not been immune to this trend (Dalton, 2005). Public trust in Parliament and political parties is low. In 2017, only 19 percent of those polled had a lot of trust in Parliament. Adding in those who have some trust, the total rises to a more respectable 83 percent. Only 10 percent of respondents had a lot of trust in political parties, with 66 percent having some (Environics, 2017b). Asked if they thought the government cared about what the people think, just 36 percent of Canadians agreed (Ekos, 2017a).

In answer to a slightly different question—whether respondents trusted government to do what is best for the country—67 percent of Canadians reported a lot or some trust in the government. This compares favourably with the response of 51 percent of Americans and 49 percent of the Britons to the same question. A related measure taps into respect for the country's political institutions in general, and here almost two-thirds of respondents reported that they did respect them (Environics, 2017b).

The Canadian civil service was found to be the most effective in the world in 2017, but not many Canadians know that because civil servants usually toil in obscurity. The study compared the performance of government work forces in 31 countries on measures such as integration, policy making, and crisis management (Institute for Government, 2017). Civil servants are often criticized by those who feel that their job security and the benefits they enjoy are undeserved. Frontline public workers, such as social workers who deliver public services, are trusted more than their superiors: 18 percent of Canadians have a lot of trust and 45 percent some trust in these workers. However, senior public servants do not fare so well: only 6 percent of Canadians trust them a lot, and 40 percent had some trust in them (Environics, 2016b).

Despite respectable levels of trust in government and respect for institutions, there is one policy area that provokes almost unanimous dissatisfaction with the government. Across provinces, income, ages, gender, and language groups, 90 percent of Canadians agreed that the use of legal tax havens by large corporations is morally wrong and a crackdown should be a top priority (Environics, 2017c). In a different survey, 75 percent of respondents disagreed that the rich pay enough taxes, suggesting widespread concern about fairness in the tax system (*Maclean's*, 2017).

The imperatives of a vast, cold, and sparsely populated country required the government to step into sectors that were not commercially viable for the private sector. Consequently, Canadians have long accepted a role for government in the economy and society. There are few Crown corporations left, but these state-owned enterprises played a central role in providing a variety of services that helped tie the country together. Energy development, resource extraction, railways, and the promotion of culture were undertaken by organizations like Petro-Canada, Air Canada, and the Canadian National Railway, to name just a few. These have all been privatized, but Crown corporations like Canada Post still exist. At the provincial level, liquor control boards still have a monopoly in every province except Alberta. The declining number of these state-owned enterprises suggests either that there is either an ideological shift or a pragmatic recognition that they have achieved their purpose. As Figure 5-2 demonstrates, a sizable majority of Canadians prefer an active role for government. On the subject of income inequality, 49 percent of respondents agreed that government should implement strong policies to reduce income inequality.

Rights and Freedoms

The Canadian Charter of Rights and Freedoms was entrenched in the Canadian constitution in 1982, making it a modern bill of rights that has instrumental and symbolic effects. So powerful is it as a symbol that it speaks to the vast majority of the population. Polls consistently show that the Charter and the health care system are the source of great pride for the vast majority of respondents (Environics, 2010, 2015).

Despite strong support for the Charter, most Canadians do not take the libertarian position that advocates very few restrictions on individual freedoms. Instead, the majority of Canadians tend to favour controls on the rights and freedoms of those they view as promoting hatred, advocating the revolutionary overthrow of government, or posing a potential threat to public safety and national security. However, polls in 2015 indicated that the majority of those who were aware of the anti-terrorism law (Bill C-51) disapproved of the legislation despite the widespread publicity given to terrorist attacks in Canada and around the world (Maloney, 2015).

Tolerance

As discussed in Chapter 3, the adoption of a policy of multiculturalism by the Canadian government in 1971 was a first in the world. This followed the new points system for assessing prospective immigrants, which opened the door to applicants with non-European ancestry in 1967. The inclusive nature of these policy shifts has meant that by 2016 visible minorities constituted 22 percent of the Canadian population (Statistics Canada, 2016a). Despite the influx of non-European immigrants into the country since the 1980s and negative views on immigration in many countries, a majority of Canadians (six in ten) disagree that immigration levels are too high (Environics, 2018c).

Tolerance of ethnic diversity is important, but an essential test of a liberal democracy is whether its citizens accept the principles of democratic competition and of dissent. Free and fair elections are a given, but what about political dissent? Celebration of Canada's 150th birthday was instructive: that the negative reaction of Indigenous groups and many Quebecers to this important anniversary was not condemned testifies to the health of political dissent in the country. Further evidence comes from Canada's second place on the Prosperity Index of 148 countries in terms of freedom, tolerance of immigrants, minorities, and freedom of expression and beliefs (Legatum Institute, 2017).

Equality

There is little doubt that Canadians today favour political equality in the sense of all citizens having the right to vote and hold office. Likewise, the vast majority support equal rights for women and men. Gender equality is very highly regarded: 94 percent of Canadians said it was very important for women to have the same rights as men (Pew Research, 2017). The figure for male and female respondents was identical. Despite this strong support for gender equality, a major hurdle for women who want to work is access to affordable child care, which costs a typical family one-third of its income (Macdonald & Friendly, 2017).

Canadians generally have become much more accepting of the rights of gays and lesbians than in the past. For example, between 1997 and 2017, support for same-sex marriages rose from 41 percent to 74 percent. In the province of Quebec support is highest: the figure rose from 43 percent to 80 percent (Crop, 2017). There is a similar trend in the United States, where support has grown from 35 percent in 2001 to 62 percent in 2017 (Pew Research, 2017a).

Diversity and Political Culture

5.4 Assess the belief that there are distinctive political cultures within Canada.

Canada is a vast, geographically and socially diverse country. Does this diversity result in different political cultures in each province (particularly Quebec), among Indigenous nations, and within other groups? Is the social and political landscape so pitted with linguistic, cultural, and geographic divisions that a pan-Canadian political culture is an impossibility? It has been suggested that a Canadian identity has been constructed to distinguish us from Americans (Nevitte, 1995). There is nothing unusual about the process of fashioning an identity. From the eighteenth century, when the Americans won their independence, to the collapse of the Soviet Union in the 1990s, “new” countries have had to define themselves to mobilize and unify the population. Scholarship on nationalism and national identity identifies the use of invention and imagination in fostering a sense of community in the nation state (Hobsbawm & Ranger, 1983; Anderson, 1983).

Arguably, successive Alberta governments have endeavoured to construct a distinct provincial identity, initially to fend off threats from the Cooperative Commonwealth Federation (precursor to the New Democratic Party) and later to help mobilize the population in its battles with Ottawa over energy resources. The Alberta story of “Us” was that of an enterprising province with a small government and a population that is self-reliant and innovative (Barrie, 2006). The difference between image and reality was noted by Roger Gibbins (1979). A strong belief in the spirit, if not necessarily the practice, of free enterprise; a concomitant belief in the desirability, if not the actuality, of small, fiscally conservative governments; a tolerance, if not affection, for one-party government; and an intense commitment to provincial control of energy resources are all readily acknowledged components of the Alberta political culture (p. 143).

The greatest challenge to a Canadian identity is sharing a border with a neighbour who resembles us in many ways. Because we share a common language, enjoy a similar lifestyle, and share many values, it was deemed necessary to highlight why and how Canadians are not Americans. To accomplish this task, organizations including the Canadian Broadcasting Corporation and the National Film Board were created. The former plays a vital role in creating “cultural boundaries and a common thread of experience ... the window through which the country sees and takes the measure of itself and the world around it” (Taras, 1997, p. 266).

In addition to strong economic and cultural ties to the United States and the influence of the American media, there are internal divisions that may pose additional barriers to a single, distinctive national political culture. The next sections look at these subcultures.

Provincial and Regional Political Cultures

“Canadian politics is regional politics ... one of the pre-eminent facts of the Canadian political life” (Simeon & Elkins, 1974, p. 397).

The importance of region in Canada cannot be overestimated. There are significant regional variations in attitudes among the residents of different provinces or groupings of provinces that are exacerbated by differences in provincial histories and economic, social, and ethnic differences, as well as by the vast geography of Canada. Wiseman argues that Canada is defined by at least five distinct regional/provincial political cultures, which he ascribes to the variable impact of immigration over time. Quebec and Ontario are each a “region,” and the other groupings are the Atlantic, a Mid-West covering Manitoba and Saskatchewan, and the Far West consisting of Alberta and British Columbia (Wiseman, 2007).

Historically, the country's industrial, commercial, financial, and cultural heartland has been concentrated in central Canada, where almost two-thirds of the population lives. Not surprisingly, this is where political power also resides, to the chagrin of those who live on the peripheries. One manifestation of the resulting dissatisfaction with how Confederation works is western alienation, which has waxed and waned despite the growing population and wealth in the region. This term has been defined as a political ideology of regional discontent and applied primarily to the three prairie provinces but also to British Columbia (Gibbins, 1980).

Western alienation is relevant because it is believed that the discontent it engenders has fostered beliefs that set the region apart from the rest of Canada. The Prairies were the crucible in which new "third" political parties were forged to challenge the two traditional parties that were aligned with the commercial interests of central Canada. In this sense, the region was unique. Frustrated by their lack of power and disillusioned by the older Liberal and Conservative parties, prairie residents voted for farmers' parties, preferred non-partisanship, and flirted with the mechanisms of direct democracy. Both the United Farmers of Alberta (which did not impose party discipline initially) and the Social Credit Party (which repealed legislation to recall MLAs) remained committed to populism at the rhetorical level (Barrie, 2006). The trinity of direct democracy—initiatives, referendums, and recall—still resonate in the region. The Reform Party invoked them, as do many supporters of Alberta's United Conservative Party. (See Chapter 8 for a discussion of Reform.)

The assumption that the western provinces hold a monopoly on feelings of regional alienation has been challenged. Citizens in other regions have experienced similar levels of alienation, and many in areas within provinces are dissatisfied with their political situation (Lawson, 2005; Resnick, 2000; Henry, 2002). There is also concern that "western" alienation may be primarily Alberta alienation, as only superficial efforts have been made to measure it outside of that province (Henry, 2002). In addition, it has been pointed out that western Canada, which is often lumped together as a distinct entity, is more heterogeneous (Henderson, 2004). Canada's provinces have different histories, education systems, and demographics, so it is not surprising that when it comes to trust and **political efficacy**, political scientists have found that "there are strong differences among the citizens of Canadian provinces and among those of different language groups" (Simeon & Elkins, 1974, p. 404). Given the lack of political clout in the Atlantic region, it is to be expected that for residents of that region, levels of trust and efficacy were low. However, later analyses found that provincial and regional variations in levels of political efficacy were minimal (Clarke, Jenson, LeDuc, & Pammett, 1996).

Henderson has suggested that regional political cultures are not always circumscribed by provincial boundaries (2004). She argues it would be more fruitful to compare areas that have similarities in terms of such characteristics as ethnicity, race, religion, language, proportion of immigrants, and social structure (such as education, occupation, and dependence on natural resources). Using these criteria, she identified "nine relatively homogeneous clusters" (p. 604), including urban Canada, rural and mid-northern, suburban Toronto and Vancouver, and the manufacturing belt. She also found that these regional clusters accounted for variations in attitudes such as political efficacy and left-right ideology nearly as well as for differences based exclusively on province. In particular, she concluded that in analyzing political culture, attention needs to be given to the differences between north and south and between urban, suburban, and rural areas.

Quebec Political Culture

It is self-evident that Quebec is a distinct society. The vast majority of its population, 77 percent, is French-speaking, and the province is home to 90 percent of Canada's French-speaking population (Statistics Canada, 2016a). French settlers brought different ideas

Political Efficacy

A belief that government is responsive to the people and that they can influence what government does.

to the New World, and even after the British victory, the Catholic Church was very influential. The clergy persuaded French Canadians that they had a mission to protect their culture and avoid the individualistic, materialistic, and capitalist ideas of English-speaking North America. They believed that the best way to preserve the French language and culture was to encourage their flock to remain in rural areas, avoiding the temptations of modern life.

However, by the early 1960s, the Quiet Revolution had ushered in a new era in which the influence of the Church declined dramatically. Quebecers embraced secular liberal and socialist ideas and set out to become masters in their own house. Quebec has its own pension plan and collects its own provincial income tax and corporate tax, certainly making the provincial government master of its own financial house. They have become quite similar to other Canadians in their levels of education and economic status.

The development of modern Quebec nationalism in the 1960s that focused on building a strong Quebec “state” has also helped to ensure that the Québécois political culture differs from that of the rest of the country. The Quebec government’s efforts to rectify historic inequalities between French and English Quebecers and to steer the social and economic development of the province have given a somewhat greater collectivist character to Quebec politics. Heavily subsidized daycare programs in the province testify to the strong commitment to collective solutions to social problems.

Contemporary Quebec political culture can also be considered as more liberal on social and moral issues than the rest of Canada. In 2014, Quebec was the first province to pass legislation on the right to die, allowing terminally ill patients to end their lives with medical help. Federal legislation was passed in 2016. With respect to capital punishment, a 2013 Angus Reid poll found that 63 percent of Canadians were in favour, but in Quebec that figure was 55 percent (Brennan, 2012). However, liberal attitudes do not necessarily extend to those of very different cultures, such as Muslim women. This deviation from the norm was formalized in a controversial piece of legislation in 2017. Bill 62 contains a contentious provision banning individuals from wearing face coverings like the niqab or burka when receiving public services. Regulations do allow religious accommodation for people who wear face coverings for religious reasons. This suggests that the government is leaving the door open to compromise if public opinion is fiercely opposed to the application of this provision in the Bill (CBC, 2018). (See Chapter 3 for more on Bill 62.)

Linguistic differences play an important part in maintaining the distinctiveness of the province’s political culture, and francophones look to the provincial government to protect important aspects of their lives. In order to retain its distinctiveness, the separatist Parti Québécois held two referendums on sovereignty. Neither was successful, but support for an independent Quebec waxes and wanes depending on perceived threats to the twin concerns of language and culture. In the 1995 referendum, Quebec came within a hair’s breadth of achieving independence (falling short by about one percent of the vote), but since that day support has waned. Support for independence among Quebec voters aged 18–34, had declined to 25 percent two decades after the 1995 referendum (Montigny quoted in Dufresne, 2019).

Indigenous Political Cultures

The worldview of Canada’s Indigenous population has been neglected in discussions of political culture because the focus has been on European values, especially those of the British and French. The Canadian government was determined to force or persuade Indigenous Peoples to adopt Western values, beliefs, and practices. Indigenous children were forcibly removed from their parents and sent to residential schools, where they were beaten if they spoke their mother tongues. As these residential schools were church-run, the children were involuntarily “converted” to Christianity.

Thus, languages and spiritual practices were lost to Indigenous people. The Truth and Reconciliation Commission (TRC), established in 2008, provided an opportunity for former students to share their experiences in public and private meetings. Consequently, there is now a great deal of information on the impact of residential schools on generations of Indigenous children (Truth and Reconciliation Commission, 2015). The TRC Final Report paints an unsettling picture of the life in these institutions. (See Chapter 11.)

In another disruptive policy, nomadic Indigenous groups were moved to permanent settlements, which transformed them from self-reliant and self-sufficient communities to groups dependent on government support. Those who moved to cities have become part of an “underclass” of low-paid casual labour.

Western democratic practices that have been imposed by the Canadian government run counter to Indigenous values and norms such as communalism, decision making by consensus, and harmony. Indigenous communities approach politics from a different perspective, seeking consensus rather than engaging in adversarial and competitive behaviour. Although these traditional values have been under assault, they have not been eliminated (Wiseman, 2007). The rejection of adversarial politics is evident in the legislatures of the Northwest Territories and Nunavut, where Indigenous people make up a substantial proportion of the population. These territorial governments are not structured along party lines.

First Nations and the Inuit also tend to have a collectivist rather than an individualistic orientation, reflecting both their traditional practices and the system of collective ownership of land and resources that has been maintained by the system of reserves. First Nations also often combine the election of community leaders with traditional practices of drawing on the wisdom of community elders. In terms of political values, they are much more likely to view protecting the environment as more important than creating jobs. They are also more likely to favour returning to traditional family values and are more critical of the welfare state. Finally, Nunavut residents are slightly less likely to choose *materialist* value priorities than other Canadians (Henderson, 2007).

Many Indigenous groups live in remote areas isolated from outside influences, but that is changing. With uranium and gold mines, hydro generation, silica sands, and oil sands developments, economic activity in the North is accelerating. Northern Indigenous communities are being impacted, and recent court decisions require

The late Gord Downie with Assembly of First Nations National Chief Perry Bellegarde at a special chief's assembly in Gatineau, Que., where the singer was given a star blanket and the name Wicapi Omani—Walks Among the Stars. Downie's final album, *The Secret Path*, told the story of Chanie Wenjack, a boy who died when he ran away from a residential school in Ontario.



Adrian Wyld/ZUMA Press/Newscom

engagement and consultation with them prior to development. If this economic development is to be successful, governments will need to understand the decision-making processes that are part of Indigenous political culture (Beatty, Berdahl, & Poelzer, 2012).

Social Class

Social class has not been as salient in Canada as it is in some other countries where labour parties capture a significant part of the vote. Canadians normally self-identify as middle class. However, between 2002 and 2017, the percentage of respondents who identified as middle class plummeted from almost 70 percent to around 43 percent, which is the lowest ever recorded. The ranks of those identifying as working class people has almost doubled to around 37 percent (Ekos, 2017b). The implication of this shift remains to be seen, as surveys have found that individuals in the working class are more likely to take “left-wing” positions on the role of the state, economic equality, and social programs, for example.

Gender

The belief that women are from Venus and men are from Mars is borne out from research that shows that they think about politics differently due to differences in socialization, circumstances, and experiences. Brenda O’Neill (2002) suggests that there is a women’s political culture that “is distinctive in political priorities and the degree to which an ethic of care and concern for responsibility permeate it” (p. 52). Women are less favourable toward the use of military force and the competitive capitalist system. Compared with men, they are more supportive of an active role for government in providing assistance to the disadvantaged. Younger women, in particular, are more likely to be critical of traditional views about women in family, society, and politics.

There are political differences between men and women, and it has been found that the salience of gender identity is important. Women who have a strong attachment to their gender identity are more progressive across several policy dimensions (Bittner & Goodyear-Grant, 2017). Women in the United States share the concerns of their Canadian sisters. Survey research since the 1970s demonstrates that women are more supportive of social welfare spending and a more activist role for government in assisting the poor. Unlike their male counterparts, fewer women approve of the use of military force and increased spending on defence (Dolan, Deckman, & Swers, 2007).

Ethnicity

Canada’s population consists of numerous ethnic groups, so it is difficult to analyze the impact of these diverse views on political attitudes and perspectives. What we do know is that there is intergenerational conflict as “old world” immigrant parents try to navigate uncharted waters with their “new world” children who have made cultural adjustments that the parents do not endorse (Tyyskä, 2008). New Canadians from some cultures and religions are more likely to hold traditional moral and patriarchal attitudes regarding family, sexuality, and the position of women. Not surprisingly, this sometimes causes intergenerational tensions, as young persons want to be more like their peers.

A survey of Muslims in Canada found that they are among the strongest Canadian patriots. A majority of respondents (53 percent) believed their co-religionists wish to adopt Canadian customs (Environics, 2016a). Among the population at large, 36 percent (up from 26 percent in 2006) believe Muslims want to be distinct (Environics, 2018c). Environics and its partners initiated this survey in 2006 and repeated it in 2016 and 2018 because the Muslim community is generally a poorly understood religious minority in Western democracies.

Youth

The politically relevant values and orientations of young people in Canada are significantly different from those of older generations. On moral issues (such as same-sex marriage) young Canadians are more likely to embrace post-materialist value priorities than are older people. Surveys conducted on Millennials found that they stood out from previous generations in that they have adapted to complexity, have a flexible definition of family, and embrace multiculturalism (EnviroNics, 2017a). They are less likely to participate in politics in traditional ways such as voting or joining political parties; instead, they are more likely to be involved in social movements and protest activities. New technologies such as social media are their preferred sources of news rather than newspapers and magazines. If young people retain their different political values and vote in greater numbers, it is possible they will change Canadian political culture in the future.

A Redundant Border?

5.5 Determine the extent of the similarities between Canadians and Americans.

There are many reasons that identity is important to this country. Canada lives in the shadow of a superpower; it shares not only a 9000 km border with the United States but a language and culture. The strength of the resemblance is unique among nations, and that is why there is a lively debate as to whether the differences between Canadians and Americans are exaggerated. Is there any truth in the assertion that the differences are trivial and are manufactured for political purposes?

A Shifting Value Landscape?

As discussed in “Analyzing Political Culture,” Lipset, who compared the two countries, argued that Canadians are elitist, deferent, and law-abiding; favour a strong role for government; and place less emphasis on the individual than the group. These qualities distinguish us from our neighbour to the south (Lipset, 1990). Unlike Hartz, who regarded English Canada as a liberal fragment like the United States, Lipset saw strong evidence of Tory and socialist tendencies in this country. Others have also argued that, while liberalism is unquestionably dominant in Canada, it is tempered by conservatism and socialism (Horowitz, 1966; Christian & Campbell, 1974). As Horowitz puts it, Canada, unlike the United States, is not a one-myth culture: “Here Locke is not the one true god; he must tolerate lesser Tory and socialist deities at his side” (1966, p. 58).

Lipset’s critics quarrel with his analysis on numerous grounds, emphasizing that Canadians and Americans are far more alike than he claims (Baer, Grabb, & Johnston, 1990; Dalton, 2017; Brooks, 2014). Much of the debate on the topic revolves around the degree to which Canadians resemble Americans. There is no question that Canada is more like the United States than like any other country, even other Anglo-American democracies. What remains to be seen is whether Canadians are so similar to Americans that the border really makes no sense.

No doubt there are remnants of elitism in Canada—the monarchy, for example—but with respect to deference, there has been a shift to less compliance toward political authority (Nevitte, 1996). Strong evidence of this comes from the 1992 constitutional referendum on the Charlottetown Accord. (See Chapter 10.) Despite unanimous support for it from political, social, and economic elites, the Accord was rejected by a majority of Canadians.

A quest for potential differences in values between the two countries and the policy outputs of their governments found remarkable similarities in national identity

and pride, trust in political institutions, and expectations of government (Dalton, 2017). There was also a great overlap between Canadians and Americans on broad social and political values. With respect to national identity and national pride, the expectation was that there would be a wide gap between the two groups, but this was not the case. In both countries, roughly 90 percent of citizens were “very proud” or “quite proud” to be Canadian/American. Because Americans are loud and proud in their patriotism, Dalton assumed that Canadians would be less attached to their country and its symbols. In other countries, such as Britain, where conspicuous patriotism does not exist either, citizens are still proud of their country: a survey found that 82 percent of respondents were very or somewhat proud of their nationality. This figure held steady between 2003 and 2013 (British Social Attitudes Survey, 2013). Low-key patriotism in the United Kingdom is emblematic of that country, as noted by George Orwell’s comment that “[the] patriotism of the common people is not vocal or even conscious” (Orwell, 1941).

Support for political institutions in Canada and the United States were similar in 2007 (Dalton, 2017), but a decade later some differences have appeared. Trust in American political parties is less than half (14 percent) that in Canadian parties (32 percent). Only 50 percent of Americans trust elections, whereas the figure for Canada is 67 percent (AmericasBarometer, 2016/17). The same survey constructed an index of orientations favouring stable democracy (which combined tolerance of dissent with generalized support for the political system) and found that Canada was an outlier, with a score of 61 percent. This was 16 points ahead of any of the other 33 countries in the western hemisphere polled by AmericasBarometer. The United States was third on the list, at 43 percent.

Canadians and Americans are believed to support significantly different views of the role of the state. However, respondents from both countries list more or less the same areas, such as health care, seniors, and students, where the government should be responsible, casting doubt on the conventional wisdom that Americans prefer minimal government (Dalton, 2017). There is support for a government role in health care, and in the 2018 mid-term elections in the United States, it was an important issue in the election campaign. (See Box 5-3: A Canadian Icon.)

Box 5-3 A Canadian Icon

In 2004, a CBC Television contest to select the “Greatest Canadian” was won by Tommy Douglas, considered the founder of the Canadian health care. Thousands of people were nominated by Canadians, including eminent inventors, scientists, and hockey legends, but a man from humble beginnings was the top choice.

His victory is a testament to the gratitude the country feels toward Douglas and his precious legacy. He grew up in Saskatchewan in a family of modest means, and his parents could not afford adequate medical care. But for the compassion of a visiting surgeon who did not charge for his services, Tommy Douglas would have lost his right leg as a result of osteomyelitis. Douglas became premier of Saskatchewan in 1944, and he fought tirelessly to bring free public medical care to the people of his province and eventually to the entire country by 1971. Today, health care is an icon, an emblem that epitomizes what it means to be Canadian, and, despite problems like lengthy waiting lists

in some areas, it delivers quality care to citizens regardless of the depth of their purse. Americans do not enjoy similar privileges, despite President Obama’s Affordable Care Act, which faced fierce opposition from a Republican Congress determined to repeal “Obamacare.” A watered-down version became a reality and slowly gained popularity among those who had insufficient or no insurance coverage. It became the single-most important policy topic in the 2018 mid-term election campaign (Lowrey, 2018).

Does this difference indicate that Canada and its southern neighbour do not share fundamental political values and beliefs? Americans are strongly committed to individualism and minimal government, which precludes adoption of a publicly funded health care system. Although there appears to be a shift in thinking among a slice of the population, a powerful medical lobby is opposed to public involvement. Perhaps it will take an American Tommy Douglas to inspire the population and move the needle on this file.

Policy Reflecting Values

Responses to survey questions can and do vary over time but there are other ways in which one can discern values that are espoused in a country. Indirect evidence comes from the policies adopted in a jurisdiction, which reflect the beliefs and values of its citizens. The health care system arguably epitomizes Canadian values such as equality, social solidarity, and recognition of a legitimate role for government. It is not surprising then that Canadians cherish it more than any other public policy.

Another area that reflects a unique Canadian approach, and one that accords with its political culture, is the structure of the banking industry. American and Canadian banking systems have been shaped by the different political, economic, cultural, and geographic characteristics (Lavelle & Porter, 2014). The Canadian banking sector is highly centralized and is dominated by six large banks that have an interest in stability and the capacity to bring it about. The government and the banks have long worked together to stabilize the financial system.⁴

In contrast, there are thousands of banks and other financial institutions in the United States, with decentralized regulation and oversight. The disparity between the two countries speaks to different world views. American political institutions were configured to prevent a concentration of power, and this mindset influences the operation of the banking system to this day. Greater distrust of concentrated economic power and a desire to promote competition and innovation has shaped the evolution of American banks. The different path taken by Canada illustrates greater enthusiasm for stability than for competition and risk. It also illustrates the amicable relationship between the state and an important sector of the Canadian economy (Lavelle & Porter, 2014).

In both Canada and the United States, citizens have rights that are entrenched in the constitution, and this sets them apart from other western democracies. When the Canadian Charter of Rights and Freedoms became part of the constitution, there was fear that it would move Canada to an “American-style system in which individual rights are the primal scream of political consciousness” (Pal & Taras, quoted in Gibbins, 1994, p. 337). There was also concern that judicial activism (i.e., unelected judges challenging democratically elected officials) would prove the death knell for parliamentary supremacy. The feared Americanization of Canada with the adoption of the Charter will not eventuate for historical and structural reasons (Dickson, 1992). These include a less pronounced commitment to liberty in Canadian courts and provisions that protect parliamentary supremacy.⁵ The American Bill of Rights owes much to the revolutionary fervour at its origin, while Charter of Rights reflects Canada’s gradual political evolution (Dickson, 1992). Though the Charter has not Americanized Canada, it has permeated political debates and political mobilization, becoming an important fixture in Canadian political life (Smith, 2007a).

Global Cultural Trends

As mentioned in the preceding discussion, the debate about similarities between Canada and the United States revolves around the extent of the resemblance. One school of thought holds that Canadian values and world views are much closer to those of Europe than to those of the United States. The dominant political motif that distinguishes Canada from its neighbour is self-doubt, prompted in large part by doubt about “our capacity to resist the American colossus at the door” (Resnick, 2005, p. 90).

⁴ An interesting factoid: The Bank of Montreal received a commission to issue government paper currency prior to the twentieth century (Lavelle & Porter, 2014).

⁵ Section 1 of the Charter of Rights and Freedoms says that some rights can be violated “if they are demonstrably justified in a free and democratic society.” There is also Section 33, which allows Parliament or provincial legislatures to override certain portions of the Charter.

The rise in post-materialist values is believed to have resulted in significant political trends across post-industrial societies, from the questioning of authority to the raising of new types of issues (Inglehart, 1990; Dalton, 2006). No doubt these developments will present a challenge to governments in established democracies and even in emerging democracies. But technologies that are shrinking the world and broadening our horizons might strain our loyalties (Cameron & Stein, 2000). Focusing on the impact of globalization on the future of the nation state, scholars are exploring whether culture is becoming de-territorialized, leading to the emergence of a global culture. The processes of globalization create a common cultural environment where people have access to the same messages and icons disseminated through the media. These shared cultural icons that dominate the cultural discourse are detached from the community and commodified. In the process, culture is severed from its geographic moorings (Hannigan, quoted in Cameron & Stein, 2000).

New technologies are constructing new social and cultural spaces where transnational and global identities can flourish. Will these transcend and supersede national cultures? These developments raise myriad questions about the ability of the state to retain the political loyalty of its citizens “as an authoritative, legitimate, representative, and accountable arena of political action” (Cameron & Stein, 2000, p. S22). Whether Canadians and Americans resemble each other might pale in comparison with much broader and more momentous questions that are affecting culture and identities in other countries.

Summary and Conclusion

It would be a mistake to assume that citizens are influenced only by contemporary debates and that ideas, beliefs, and values are not relevant to understanding Canadian politics. The struggle for power, position, and privilege is important, but politics also involves a contest of ideas and values among those who hold different perspectives.

Both Louis Hartz (founding fragments theory) and Seymour Martin Lipset (formative events theory) delve into Canada’s history for the foundations of political culture, differing in their views as to how the past has shaped it. Hartz contends that English Canada and the United States share a liberal political culture, while Lipset sees Canada’s counter-revolution tilting it in a more “Tory” conservative direction. In Gad Horowitz’s view, both liberal and some conservative elements in Canada’s political culture provide the foundation for the emergence of socialism. Post-materialist theory sees Canada (like other countries) as undergoing major changes in value priorities in recent decades.

Nelson Wiseman (2007, p. 264) argues against a “single unifying thread in contemporary Canadian political culture” because of the complexity of the country. Despite differences along a number of dimensions, especially region, there is evidence that at a very fundamental level, Canadians everywhere share a core of values and beliefs that binds them together. The Canadian government had to play a central role in tying the country together through

railways, airlines, and telephone services, as these activities were not commercially viable for the private sector. This pragmatic solution to a uniquely Canadian issue was accepted and has shaped views about the role of government. The values underpinning the publicly funded health care system, social justice, and equality are emblematic of Canada’s values that are widely shared.

The political cultures of Indigenous peoples and the Québécois have developed differently than that of the Canadian majority and continue to be distinctive in many ways. Nevertheless, these groups do share the basic values identified above. The Canadian population contains a large slice of non-Europeans who have immigrated to the country since the 1960s. They enjoy the freedom and opportunities available to them and, over time, espouse the basic values that underpin them.

Canadians share a great deal with Americans, interact with them, and are influenced by the culture of this global superpower. Still, Canadians do have a different worldview, which distinguishes them from their neighbours. Generally, we are more liberal than Americans on moral issues and more willing to favour government provision of various programs, including universal health care.

In common with other Western countries, Canadian political culture has as its basis the values of liberal democracy. What is unique about Canada is that it has fashioned a political community that does not share a

common ancestry, language, or culture. Lacking ties of blood and common histories, it has wrapped itself in a common set of values creating, as Prime Minister Trudeau suggested, the world's first post-national state.

Canada and many other countries around the world are being challenged: culture and identity are becoming

detached from their geographic moorings as globalization and communications technology dissolve borders and enable the formation of virtual communities. It is too soon to tell whether these developments will weaken geographic communities and undermine the bonds within each state.

Discussion Questions

1. How would you describe your basic political values and beliefs? Are they similar to or different from those of your family, your friends, and other influences on your life?
2. How different are the political cultures of Canada and the United States? How can the similarities and differences best be explained? Is the Canadian political culture becoming more similar to that of the United States?
3. Is the political culture of your province or region substantially different from that of other areas of Canada?
4. Does Quebec have a distinct political culture? If so, what are the implications for Canadian politics?
5. How do the political cultures of Indigenous peoples differ from those of the rest of Canada?
6. Is the Canadian political culture changing rapidly, or does it still basically reflect its historic roots?

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Chapter 6

Political Participation and Civic Engagement



Luke Durda/Alamy Stock Photo

Protestors at a London, Ontario festival let Prime Minister Trudeau know how they feel about his 2015 campaign promise to reform Canada's electoral system.



Learning Objectives

After reading this chapter, you should be able to

- 6.1a** Identify different forms of political participation and civic engagement.
- 6.1b** Discuss classical and elite theories of political participation.
- 6.2** Discuss Canada's democratic culture in the context of international trends in rates of political participation, interest, and knowledge.
- 6.3** Discuss the formal political involvement of Canadians.
- 6.4a** Discuss the informal political involvement of Canadians.
- 6.4b** Discuss how and to what extent Canadians contribute to civic life.

Much has been written about the presumed political apathy of young Canadians, but every day under 30s are taking political action on issues they are passionate about. They are also receiving national recognition for their efforts to make communities healthier, kinder, and more sustainable places to live. Samara Canada, a non-profit organization that works to promote democratic engagement, holds an annual contest to recognize some of the brightest young political activists. Their backgrounds and motivations are as diverse as Canada. These are some of their stories.

Guelph, Ontario, high school student Noah Irvine turned a personal tragedy into a tireless campaign for a better national mental health strategy. Irvine lost his mother to suicide and his father to a drug overdose related to ongoing mental health struggles. When only 40 out of 338 members of Parliament responded to Irvine's letter about his experiences with mental health, he issued a news release and called MPs' constituency offices across the country, asking them why they did not reply. Media coverage of the abysmal response from elected officials led to meetings with the Prime Minister's Office (PMO) and the federal Minister of Health. Irvine's work reached the highest level of government when Prime Minister Justin Trudeau called to discuss his suggestion to establish a Mental Health and Addictions Secretariat in the PMO (Samara, 2018).

Teagyn Vallevand, a 21-year-old from the Kwanlin Dün First Nation, co-founded Youth for Lateral Kindness, a business based in the Yukon Territory. Youth for Lateral Kindness offers Indigenous youth workshops that address emotional and physical violence against one's peers and encourage reconciliation between Indigenous and non-Indigenous peoples. The organization has been recognized by the Council for the Advancement of Native Development Officers, a national Indigenous organization involved in community economic development (Samara, 2018).

Calgary's Nabaa Alam, the 24-year-old son of immigrants from Bangladesh, was a key member of a team of chemical engineers working on a process to convert canola into renewable gasoline and diesel and bio-jet fuels. The province of Alberta invested \$10 million in a project that was expected to reduce carbon emissions by 112 000 tonnes by 2020—equivalent to removing 23 000 cars off the road for one year. Alam says that his goal is to work with oil and gas companies to create sustainable ways of making energy affordable for everybody: "It is everybody's right and responsibility to make an impact on the world. I don't think you have to be an elected official" (Rieger, 2017).

Chapter Introduction

Beginning in late 2010, a wave of mass demonstrations across the Middle East and North Africa led to the toppling of regimes in Tunisia, Egypt, Libya, and Yemen and to civil uprisings in many other countries across the region. The protesters, motivated by a desire for democracy, human rights, transparency in government, and better living conditions, relied on sustained campaigns of mass marches and demonstrations and the social media to organize and raise awareness about state attempts to repress the uprisings. In most of these countries, civil resistance associated with the "Arab Spring" was met with violent responses from state authorities. Countries in Europe and the Americas with long traditions of liberal democracy have also seen creeping authoritarianism.

The vast majority of Canadians can attempt to influence government policies and public opinion without risking their personal liberty or security. By law, they enjoy the right to freely express their views about political issues and to pursue their political goals through formal and informal political participation. Canadians may also participate in civic affairs by contributing to community life. This can be done by joining a community group or association, volunteering, or donating money to charitable causes.

Canadians who are busy with school, jobs, families, and hobbies get involved in political or civic affairs for various reasons. In many cases, such as those described in the opening vignette, they devote their time to a cause because they feel strongly

about a particular issue or have been personally affected by it. Because Canada is a liberal democratic country, citizens may also choose not to get involved in political and civic life. Whether and how Canadians participate in political and civic affairs paints a telling portrait of the state of Canadian democracy. In this chapter we examine the extent to which Canadians exercise rights that are denied to many people elsewhere. Are Canadians political activists or apathetic? What types of activities and causes motivate them to get involved? How do they compare with people living in other democratic states? Are certain types of Canadians more involved than others, and if so, why?

Political Participation and Civic Engagement

6.1a Identify different forms of political participation and civic engagement.

6.1b Discuss classical and elite theories of political participation.

Political participation refers to the actions people take to raise awareness about political issues, influence the selection of government personnel, and shape the laws and policies that affect their lives. Early studies of participation emphasized formal activities such as voting, contacting public officials about issues of concern, attending a political meeting, volunteering in an election, joining a political party or interest group, donating money to a party or candidate, or running for public office (Milbrath & Goel, 1977; Verba & Nie, 1972; Verba, Nie, & Kim, 1971).

Ideas about political participation have broadened to include informal actions aimed at influencing governments, private sector organizations, and public opinion. These would include **protests** and **online activism** (Vissers & Stolle, 2014). Protesting can encompass peaceful forms of political expression such as signing a petition, participating in a boycott or **buycott** of products and services (Stolle, Hooghe, & Micheletti, 2005), or joining marches, demonstrations, and strikes. Some protest actions involve violence, resulting in damage to property or, very occasionally, physical harm to opponents of the cause. **Online activism** is an increasingly popular way for people, youths in particular, to express their opinions and to mobilize like-minded others to act through social networking sites, emails, and blogs. Conversations about politics also take place offline; people who feel strongly about an issue might discuss it with their friends and family or write a letter to the editor (Samara Canada, 2014).

Civic engagement, or participation in community affairs, refers to involvement in a voluntary organization, helping other individuals directly, or giving financial donations to charitable causes. There are many types of organizations, including student associations, sports and recreation clubs, religious-based groups, ethnocultural associations, service clubs, environmental and human rights groups, and business or professional associations. Although these associations focus on improving the quality of community life or serving their members' needs, they may also be active in politics. For example, student associations do more than arrange for food, transit, and health services on campus or advise students on how to navigate challenging situations. They also lobby governments about tuition fees, student debt, and other issues related to access to post-secondary education. An animal welfare organization might facilitate adoptions of homeless animals or finance low-cost spay and neuter services for pet owners of limited means, but it may also lobby businesses to adopt cruelty-free policies and practices.

Political Participation

Actions people take to raise awareness about issues, to influence the choice of government personnel, and to shape the content of legislation and public policies.

Protests

Political acts that include non-violent actions such as signing a petition, boycotts, peaceful marches, demonstrations, and strikes. They may sometimes involve the use of violence to damage property or harm the opponents of the cause.

Online Activism

Political activism that employs online communications tools such as websites, emails, blogs, and social networking services.

Buycott

The act of buying goods and services based on political or ethical considerations or both.

Civic Engagement

A set of activities in the community, such as joining a voluntary organization, volunteering, or giving financial donations to charitable causes.

Classical Democratic Theory

The belief that it is desirable to have a large number of citizens from different backgrounds participating in political affairs.

Deliberative Democracy

A form of democracy in which governing decisions are made based on discussion by citizens.

Theories of Political Participation

What level of political participation is ideal in a democracy? Who should try to influence the decisions of public officials? Two broad perspectives exist on these questions. **Classical democratic theory** is based on the idea that it is desirable to have a large number of citizens from different backgrounds participating in political affairs. In *Considerations on Representative Government*, philosopher John Stuart Mill argued that broad citizen participation guarantees that everyone's interests are protected from arbitrary rule. He also suggests that political participation changes citizens for the better, giving them a sense of control over their own lives, making them less likely to devote all their energies to private life, broadening their interests, and making them better informed (Mill, 1872/1991; Thompson, 1976). When individuals join in, they gain skills and knowledge about public affairs so that they can make good decisions. Participation is also said to promote tolerance. When individuals join a group to achieve a political goal, they are exposed to the opinions of others and must respect the decision of the majority, even if they do not agree with the outcome.

Over the past decade, governments and private organizations in Canada and around the world have become more and more interested in deliberative democracy. Classical theorists are optimistic about the potential for individuals from diverse backgrounds to participate in politics. They assume that citizens are the best judges of their own interests and that political activity is the best way to express those interests and to judge how public officials respond to them. Classical democrats also generally feel that there should be equal levels of participation among members of different social and economic groups.

Deliberative democracy involves citizens deliberating about government decisions through “fair and open” community discussion of the merits of competing political arguments (Uhr, 1998). Interest in forums that encourage people to participate in all stages of the policy-making process has been developed for several reasons. As citizens express weaker attachments to political parties and less confidence in politicians, some governments are looking for new ways to reinvigorate public involvement in political affairs. Internet technology has made it easier to hold discussions between people in far-flung locations about political ideas. The citizens' assemblies set up by the provincial governments of British Columbia and Ontario to examine the question of electoral reform are examples of deliberative democracy. (See Box 6-1: Citizens Decide: Deliberative Democracy in the Provinces.)

Box 6-1 Citizens Decide: Deliberative Democracy in the Provinces

In 2003, the government of British Columbia undertook a bold new experiment: letting ordinary citizens decide whether the province should retain the single-member plurality (SMP) electoral system or replace it with a new one that would be proposed by the assembly. (See “Voting” later in this chapter and also Chapter 9 for an explanation of different electoral systems.) Nowhere else in the world had such power over the development of an electoral system been given to unelected citizens.

The Citizens' Assembly on Electoral Reform had 161 members, 1 man and 1 woman from each of British Columbia's 79 electoral districts, plus 2 Indigenous members and a chairperson. Members were picked at random, by a computer, from the province's voters' list. The assembly was diverse in its demographic makeup, with gender, age, and regional representation being reflected. Those who agreed to serve received an honorarium of \$150 for each meeting day, plus any expenses associated with their work for the assembly.

Participation in the assembly was not for slackers: the members began their task by studying the pros and cons of different electoral systems used throughout the world. In 2004 they attended 50 public hearings held across the province, where they listened to British Columbians' views on electoral reform. More than 1600 written submissions from members of the public were also made available to the assembly participants for their consideration. After the hearings were over, the assembly members considered what they had studied and what British Columbians had told them, and they discussed different options.

The assembly ultimately recommended that British Columbia switch to the single transferable vote system (a system in which voters rank candidates in multimember districts in order of preference, with votes not needed by one candidate transferred to the next preferred candidate). This recommendation was brought to the public for approval in a province-wide referendum on May 17, 2005. Although supported by 58 percent of voters, it failed to reach the required 60 percent level of approval. A second referendum on electoral reform was held in conjunction with the 2009 provincial general election. This time, the proposal received only 39 percent support.

In 2006, Ontario set up a similar citizens' assembly to evaluate whether the province should replace its

electoral system with a form of proportional representation. It was made up of a chairperson and 103 randomly selected citizens—1 from each of the province's electoral districts. The assembly membership was evenly divided between males and females, and at least one member was Indigenous. Once again, the task was arduous. The members spent an entire year studying various election systems, talking to people in their communities, holding public consultation meetings, reading public submissions, and using online forums to discuss the issues between meetings. In spite of their efforts, the issue received relatively little attention from the media, and ordinary citizens struggled to grasp the concepts. The final recommendation to replace SMP with a mixed member proportional (MMP) system was rejected in a referendum held in October 2007: just under 37 percent of those who cast a vote supported MMP.

Although the reform proposals were rejected in both provinces, the assembly participants agreed that they benefited enormously from their personal involvement in the process (Turnbull & Aucoin, 2006). How do you feel about the idea of citizen involvement in the policy-making process? Should important political decisions be left only to professional politicians and bureaucrats? Do the examples from British Columbia and Ontario suggest that deliberative democracy is a viable way of engaging the broader public in politics?

In contrast to classical democratic theory, **classical elite theory** is based on the idea that a small minority of individuals with more education and political experience are better positioned to decide what is in the public interest than the relatively uninformed, apathetic, and less tolerant electorate (Michels, 1915; Mosca, 1965). Elite democratic theorists feel that widespread participation by members of the public could instigate a conflict between social groups and trigger political instability. Because they believe that not everyone possesses the virtues to make sound decisions about politics, they are more willing than classical democratic theorists to tolerate vast differences in the political involvement of people from different social and economic backgrounds (Mishler, 1979). Some scholars have argued that Mill himself was often skeptical about the benefits of public participation. In *On Liberty*, he worried about the tendency of the majority to impose its own ideas and practices on those who dissent from them. He thought that democracy would encourage mass conformity and intolerance and inflame factional rivalries (Zakaras, 2007).

In their ground-breaking study of political cultures in five contemporary democracies, Gabriel Almond and Sidney Verba (1963) argued that the majority of citizens expressed only a weak commitment to democratic norms and that their active involvement in politics could lead to political instability and the emergence of authoritarian politics. They favoured a civic culture—a society in which only a small group of well-educated citizens participates actively in politics and where most citizens leave politics to the experts. As discussed in Chapter 5, Canadians strongly support democratic values, but to what extent do they take part in activities that support democracy? The remainder of the chapter examines their levels of involvement in political and civic affairs and probes why certain Canadians are more active than others.

Classical Elite Theory

The belief that only a small ruling class has the knowledge and skills necessary to decide what is in the public interest and that mass political participation is undesirable.

Trends in Political Participation, Interest, and Knowledge

6.2 Discuss Canada's democratic culture in the context of international trends in rates of political participation, interest, and knowledge.

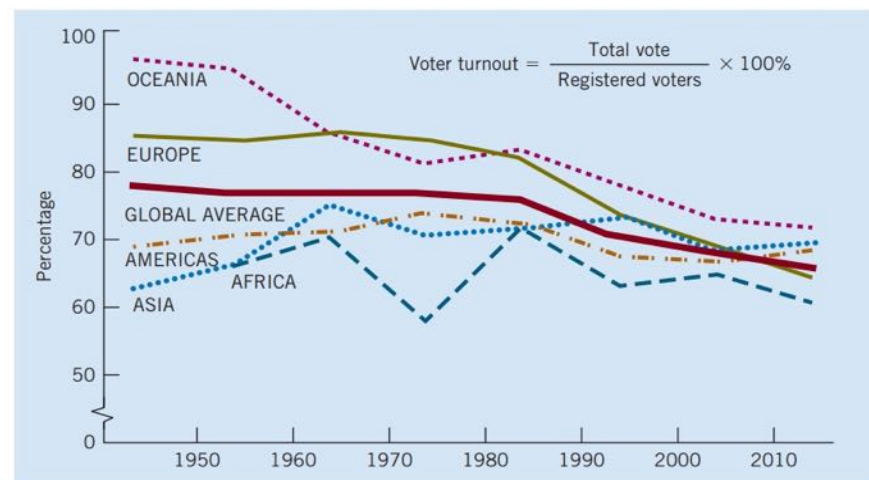
Voting and joining parties are examples of formal political participation that are under stress in Canada and around the world. Democratization processes in Africa and in regions formerly under the influence of the Soviet Union led to an increase in the number of countries that have held elections (Solijonov, 2016). Yet, despite the growth in the global voter population, voter turnout has decreased in all world regions since the early 1990s. (See Figure 6-1.) In most European countries, not only do political party members constitute a small percentage of the electorate but memberships have been plummeting over the past three decades (van Biezen, Mair, & Poguntke, 2012). Similar patterns of turnout decline and withering party memberships have been observed over the same period in Canada.

As more people turn away from voting and party involvements in Canada and around the world, informal political activism has been on the rise. Large-scale protests driven by diverse issues and grievances—democratic reform, austerity cuts, capitalism and neo-liberalism, racism, sexual harassment, among other issues—have become more numerous and geographically widespread (Youngs, 2017). Cyber activism is also gaining in popularity. Since the late 1980s, counter-globalization and social justice groups have relied heavily on interactive social media platforms to raise awareness about issues and to mobilize members to take online and offline action.

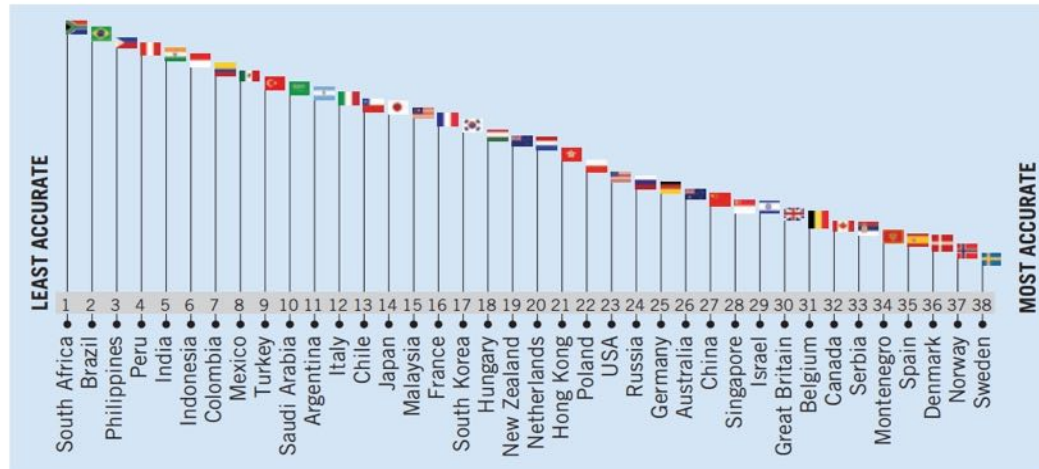
Political Interest and Knowledge

A certain level of attentiveness to politics is necessary to form opinions and take action. People who are interested in political affairs are motivated to spend the time and energy to keep informed so that they can discover their preferences, evaluate the government's performance and the options presented by the opposition, and act upon that information. In 2016, two-thirds of Canadians (67 percent)

Figure 6-1 Voter Turnout Trends Around the World



SOURCE: Solijonov, A. (2016). *Voter turnout trends around the world*. Stockholm: International IDEA. Retrieved from <https://www.idea.int/sites/default/files/publications/voter-turnout-trends-around-the-world.pdf>.

Figure 6-2 Who Is Most Wrong About Basic Social Facts?

SOURCE: Ipsos. (2017). *The perils of perception*. Retrieved from <https://www.ipsos.com/sites/default/files/ct/news/documents/2017-12/ipsos-mori-perils-of-perception-2017-charts.pdf>.

said they had discussed politics in the previous year, with face-to-face or phone contact—the most popular ways of having a discussion. During the 2015 election year, about one-third of Canadians followed a politician on social media (Samara Canada, 2017).

Canada is one of the Anglo-American countries that political scientist Henry Milner has diagnosed as suffering from relatively low levels of political knowledge, in contrast to the Netherlands, Sweden, Norway, Denmark, and Germany, where civic literacy is more robust (Howe, 2006). Significant numbers of Canadians do not know the names of the prime minister, party leaders, prominent cabinet ministers, or the premiers, and cannot identify political parties with their issue positions and whether the federal parties occupy the ideological left, right, or centre (Gidengil et al., 2004). Whereas many Canadians will recognize Hillary Clinton and Donald Trump as candidates in the 2016 United States presidential election, they may be tongue-tied when asked about Andrew Scheer or Jagmeet Singh—the leaders of the opposition parties in the House of Commons.

Internationally, Canadians have fared better when tested about basic social facts (Ipsos Mori, 2017). They placed seventh out of 38 countries in terms of individuals providing the most accurate answers about terrorism and crime rates, social issues, health and technology, and features of the population. (See Figure 6-2.) Publics in Sweden, Denmark, and Norway, where civic education is strong, were the most informed.

Formal Political Participation in Canada

6.3 Discuss the formal political involvement of Canadians.

The right to vote is the cornerstone of democracy. When you cast a ballot, you have an opportunity to hold your elected representative accountable and to support or reject a political party's policies. Voting also symbolizes your connection to the political community. Virtually all citizens aged 18 years and over have the right to vote. However, this was not always the case in Canadian history. (See Table 6-1.) At the time of Confederation, only male property owners aged 21 years and over and who were British subjects by birth or naturalization could vote. Women, racial minorities, most Indigenous people, and the poor were excluded from voting. These laws reflected

Table 6-1 A Timeline of the Federal Franchise

Year	Group Enfranchised
1917	Serving members of the armed forces (including women)
1918	Women aged 21 years and over, not alien-born, who met property requirements in provinces where those requirements existed
1948	Disqualifications on the basis of race eliminated
1950	Inuit granted the right to vote
1955	Last vestiges of religious discrimination removed from federal elections
1960	Franchise extended unconditionally to "registered Indians"
1970	Voting age lowered to 18
1982	Canadian Charter of Rights and Freedoms entrenched the right to vote
1992	Legislation to ensure access to vote for people with disabilities
1993	Removal of voting disqualifications for federally appointed judges, people with mental disabilities, and inmates serving less than two years in correctional institutions
2002	Supreme Court decision in <i>Sauvé v. Canada</i> repealed the Canada Elections Act restriction of voting rights for inmates serving sentences longer than two years

SOURCE: *A history of the vote in Canada*. Elections Canada. (2010). This is an adaptation of the version available at www.elections.ca. Reproduced with the permission of Elections Canada, but adaptation rests with the author.

commonly held views based on the British tradition that certain groups were unsuited to participate in democratic affairs (Courtney, 2004).

World War I and the women’s suffrage movement led to the doubling of the electorate by 1918. In 1917, Parliament passed the Wartime Elections Act and the Military Voters Act. These laws were designed to increase the number of voters who would support conscription and disqualify those who were opposed to it. The Military Voters Act extended the right to vote to all British subjects, male or female, who were active or retired members of the Canadian forces. Some 2000 military nurses—the “Bluebirds”—became the first women to get the vote. The Wartime Elections Act gave the vote to close female relatives of people serving in the armed forces. It also took away the vote from likely opponents of conscription: conscientious objectors, pacifist religious minorities, individuals born in an enemy country who became naturalized British subjects after March 31, 1902 (with the exception of those born in France, Italy, or Denmark and who arrived in Canada before the date on which their country of origin was annexed by Germany or Austria), and British subjects naturalized after March 31, 1902, whose mother tongue was that of an enemy country (Elections Canada, 1997).

Some women of property were able to vote in the colonies until pre-Confederation legislatures passed laws (1849 in the Province of Canada) explicitly preventing women from voting—a restriction that was maintained by the British North America Act, 1867 (Elections Canada, 1997). Within a decade after Confederation, a women’s suffrage movement had taken root in most of the former colonies. In 1916 and 1917, Canada’s suffragists and their allies successfully petitioned provincial governments in British Columbia, the Prairies, and Ontario to allow them to vote in provincial elections. The broadening of the provincial franchise and the extension of the municipal franchise to propertied women created pressure for change at the federal level. In 1918, women 21 years of age and over were given the right to vote, provided they met the same property requirements that applied to male electors. The property requirement was dropped in 1920 (Elections Canada, 1997).

Following World War II, racial and religious restrictions on voting were lifted as social attitudes toward minority groups began to change (Elections Canada, 1997). In 1950, Canada restored the vote to the Inuit, who had been disenfranchised in 1934. This was one of several measures taken to protect the country’s sovereignty in the Arctic following the onset of the Cold War. In 1960, Status Indians¹ were allowed to vote without having to give up their status and the benefits associated with it. By 1948, the last vestiges of property qualifications and laws excluding the Chinese,

Franchise
The right to vote.

Japanese, and South Asians from voting had been removed. In 1955, all remaining voting restrictions against certain religious minorities were dropped. In 1970, Parliament lowered the voting age from 21 years to 18 years to discourage the student strikes and unrest that had been taking place in the United States and parts of Europe. The electorate grew once more with the adoption of the Canadian Charter of Rights and Freedoms in 1982. Section 3 of the Charter states that “every citizen of Canada has the right to vote in an election of members of the House of Commons or of a legislative assembly and to be qualified for membership therein.” This provision opened the door to a series of successful court challenges that resulted in the extension of the vote to people who had previously been denied it: federally appointed judges, people with mental disabilities, and inmates serving sentences of two years or more.

Turnout in Federal Elections

Although in the past Canadians have fought tirelessly for the right to vote, many Canadians today are more complacent about this hard-won right. In countries such as Afghanistan, Iraq, and Zimbabwe, people have died or have risked their lives to vote. Although Canadian citizens do not have these worries, turnout in national elections has not been high by international standards. In the 2015 federal election, 68.3 percent of registered voters cast a ballot, placing Canada 97th out of 196 countries in terms of turnout in the most recent parliamentary elections (Elections Canada, 2017; Solijonov, 2016).

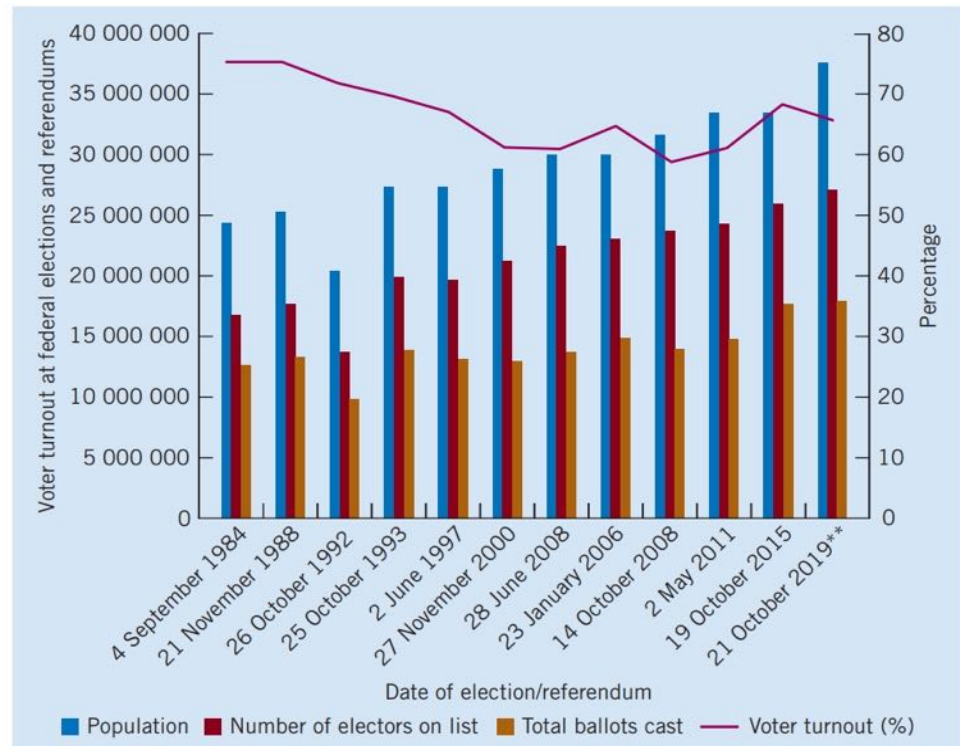
For the 2019 federal election, Elections Canada undertook several initiatives to make it more convenient to vote, including opening more temporary voting offices on post-secondary campuses across the country and offering extended voting hours at advance polls. Although a record 4.7 million electors voted in advance of election day, preliminary estimates (available at the time of writing) show that overall turnout dipped to 65.95 percent, despite the close race between the two leading parties and efforts to improve access to voting. There were large differences in turnout across the provinces. More than 71 percent of eligible voters in Saskatchewan, Prince Edward Island, and New Brunswick cast a ballot, compared to 58 percent in Newfoundland and Labrador (Elections Canada, 2019).

Some observers argue that Canada’s SMP electoral system accounts for the country’s mediocre ranking. Election turnout tends to be lower in SMP systems than in systems based on proportional representation (Blais & Carty, 1990). With SMP, the victorious party usually wins more seats in the legislature than the popular support it receives in the election. In proportional representation (PR) systems, a party’s representation corresponds more closely to its popular support. For example, if a party wins 20 percent of the vote in a PR system, it will receive about 20 percent of the seats to be distributed. Some experts have argued that turnout is higher in countries that use PR because voters are more likely to think that every vote counts and that their votes will not be “wasted” (LeDuc, 2005). Reforming Canada’s electoral system was a pillar of the Liberal Party’s campaign platform in the 2015 federal election, but in 2017 it dropped its promise on the basis that it would undermine the country’s stability.

Another institutional factor that has been associated with higher turnout is compulsory voting. Among the 26 countries that have compulsory voting, 12 have turnout rates above 81 percent (Solijonov, 2016). Some of these countries impose sanctions on non-voters, ranging from fines and the removal of civil and social rights to disenfranchisement and prison time. Countries with enforced compulsory voting have, on average, turnout rates that are 15 points higher than countries such as Canada, where individuals make up their own minds about whether or not to go to the polls (Gratschew, 2002).

Although nearly every Canadian citizen aged 18 years and over can vote in federal elections, turnout has declined over the past three decades. (See Figure 6-3.) Between

¹ Status Indians are members of First Nations who are listed on the official registry maintained by the Canadian government and who are entitled to a range of programs and services funded by the federal and provincial governments. A Supreme Court ruling in 2016 extended these benefits to the Métis and “non-status” persons who trace their ancestry to a First Nation.

Figure 6-3 Turnout Rate in Federal Elections, 1988–2019*

SOURCE: Elections Canada. (2017). Voter turnout at federal elections and referendums. This is an adaptation of the version available at <http://www.elections.ca/content.aspx?dir=turn&document=index&lang=e§ion=ele>. Reproduced with the permission of Elections Canada, but adaptation rests with the author.

*Official turnout in Canada is based on the number of electors on the final lists of electors.

**Preliminary results on voter turnout do not include electors who registered on election day.

1945 and 1988, voter turnout rates averaged 75.4 percent (Elections Canada, 2008). By 2008, turnout had declined to a historic low of 58.8 percent. The 2011 and 2015 federal elections saw a reversal of this trend, with turnout reaching 68.3 percent in 2015. Between 2011 and 2015, large spikes in turnout were recorded for voters from youth and Indigenous populations in particular (Canada, 2016a; Elections Canada, 2016b). Several explanations have been offered as to why more Canadians voted in 2015, including a long and highly competitive campaign that gave people time to learn about the parties and leaders, and the fact that many saw the election as a defining moment that would affect the direction of the country (Hilderman & Anthony, 2016). While the increase in turnout is good news, it remains to be seen whether it marks the beginning of an enduring trend.

Turnout in Sub-national Elections

There are wide variations in provincial election turnout, with participation rates generally the highest in Prince Edward Island and Quebec. Turnout decline has also been an issue at the sub-national level. Between 2003 and 2017, turnout rates dropped to their lowest levels since 1965 in every province. They have rebounded from these lows in the most recent elections held in New Brunswick, Quebec, Ontario, Manitoba, Alberta, and British Columbia. (See Table 6-2.)

Participation in municipal elections is lower than in federal or provincial elections, even though local governments are responsible for essential services that touch our daily lives—police and emergency services, public health, parks and recreation, roads and sewers, garbage collection, and recycling. The average turnout in Canada's 100 largest municipalities between 2004 and 2014 was just 36 percent. Participation tends to be higher in competitive elections, where more information

Table 6-2 Turnout Trends in Provincial Elections, 1965–2019

Province	Maximum Turnout Percentage (Year)	Minimum Turnout Percentage (Year)	Percentage of Turnout in Most Recent Election (Year)
New Brunswick	82.1 (1967)	64.7 (2014)	67 (2018)
Nova Scotia	78.2 (1978)	53.4 (2017)	53.4 (2017)
Prince Edward Island	87.3 (1970)	76.5 (2011)	76.3 (2019)
Newfoundland and Labrador	83.6 (1993)	55.3 (2015)	60.9 (2019)
Quebec	85.3 (1976)	57.4 (2008)	66.5 (2018)
Ontario	73.5 (1971)	48.2 (2011)	58 (2018)
Manitoba	78.3 (1973)	54.2 (2003)	54.9 (2019)
Saskatchewan	83.9 (1982)	57.8 (2016)	57.8 (2016)
Alberta	72.0 (1971)	40.6 (2008)	64 (2019)
British Columbia	77.7 (1983)	55.1 (2009)	61.2 (2017)

SOURCES: Based on Wesley, J. (2010). *Slack in the system: Turnout in Canadian provincial elections, 1965–2009*; paper presented to the Annual Meeting of the Canadian Political Science Association; official websites of various provincial electoral agencies.

about the candidates and issues is available, and where the outcome is uncertain (Breux, Couture, & Koop, 2017).

Turnout tends to be higher in smaller cities and towns because politics is less complicated and impersonal; citizens know each other and how politics works, and know who to contact when they have a problem (Verba & Nie, 1972). This has been true in Ontario, where turnout in towns with fewer than 10 000 people was, on average, higher than in cities with a population over 100 000. But even in smaller towns, turnout was still lower than in national and provincial elections (Kushner, Siegel, & Stanwick, 1997). Since the early 2000s, online voting has been offered in hundreds of municipal elections across Canada as part of efforts to improve voter accessibility, turnout, and convenience. Indigenous communities are also increasingly deploying online voting for chief and council elections and other types of votes (Office for Democratic Institutions, 2017).

Who Votes and Why?

Although legal restrictions on voting have been virtually eliminated for adult citizens, participation rates in federal elections are lower in the early twenty-first century than in historical periods when fewer Canadians had access to the franchise. This raises questions about who is voting, who is not, and why.

Generational replacement has been pinpointed as the main reason for the decline in turnout since the 1980s. Voters born after 1970 have been less likely to exercise the franchise than those born before 1960, who felt it was their duty to vote (Blais, Gidengil, Nevitte, & Nadeau, 2004). Furthermore, younger generations of voters are also less likely than their predecessors to start voting as they grow older (Elections Canada, 2008). This generational pattern is not confined to Canada. In 21 democratic countries, young people born in 1980 or later voted at lower rates than the national average (Milner, 2005).

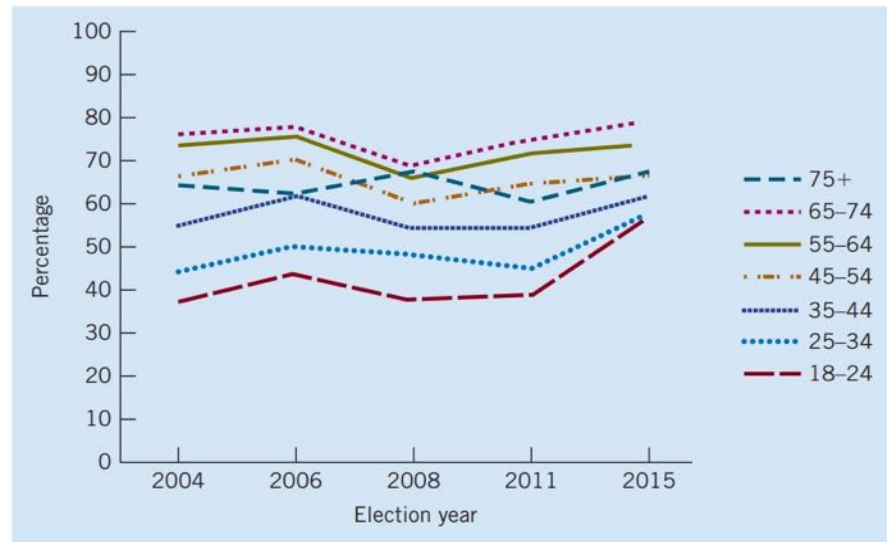
Figure 6-4 shows that the estimated voter turnout of 18- to 24-year-old Canadians has been lower than that of all other age groups (Library of Parliament, 2016b). **Life-cycle effects** are one reason for the lower rates of youth turnout; as people grow older, they get more involved in their social milieu and develop stronger preferences over time, and they are more likely to vote (Baum, 2002). This is because as they find a job, settle down with a partner, and become parents they become more aware of how political issues such as taxes, economic development, and access to social and health services affect their lives.

Generational Replacement

The process through which younger-age cohorts enter the electorate and replace their older predecessors.

Life-Cycle Effects

The tendency for people to vote at higher rates as they age.

Figure 6-4 Voter Turnout in Canada by Age Group, 2004–2015

SOURCE: Youth voter turnout in Canada. Library of Parliament (2016b). Available at <https://lop.parl.ca/staticfiles/PublicWebsite/Home/ResearchPublications/BackgroundPapers/PDF>.

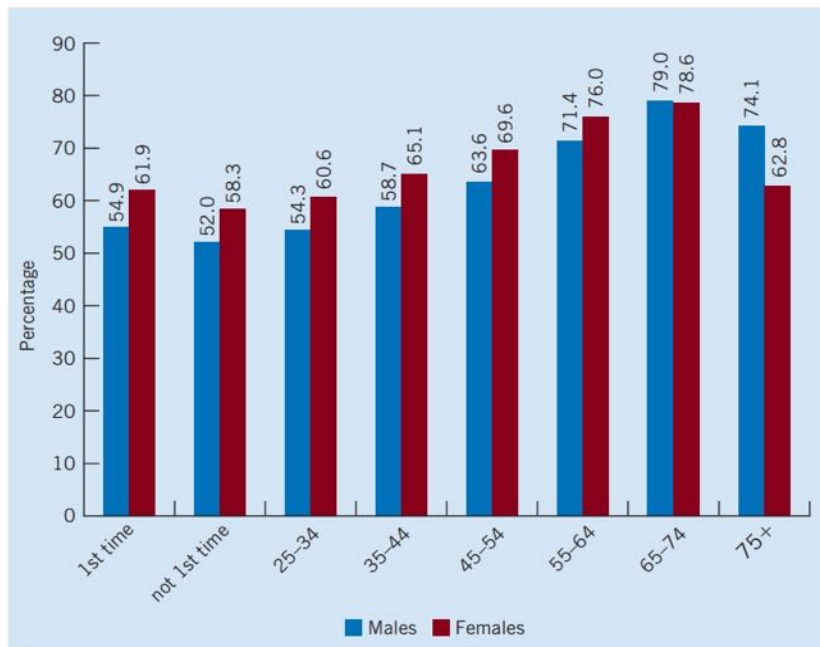
Other socio-demographic attributes are associated with casting a ballot. Voters tend to be wealthier and more educated than non-voters. People with higher household incomes may be more likely to vote because the poor have less time and energy for politics or because they feel that the political system does not address their concerns (Blais, 2000). People with more formal education may be more likely to vote because it is easier for them to understand complex political messages. Recent immigrants are also less likely to vote than more established immigrants and the Canadian-born (Tossutti, 2007; Uppal & LaRochelle-Côté, 2012). This may be because newcomers need to address their most pressing needs—finding employment, housing, and schools for their children and learning a new language—before they can get involved in the political life of their new country.

The attitudes and life experiences of voters and non-voters also differ. Canadians who are more interested in and knowledgeable about politics are more likely to vote (Blais, Gidengil, Nadeau, & Nevitte, 2002; Gidengil, Blais, Everitt, Fournier, & Nevitte, 2005; Howe, 2003; Pammett & LeDuc, 2006). This is because awareness of the issues, where the parties stand, and who their leaders are makes it easier to decide how to vote. Voters are also more likely to express trust in their elected representatives, a sense of civic duty or moral obligation to vote, and a belief that their vote will affect the outcome (LeDuc, Pammett, & Bastedo, 2008). Canadians from lower-income, youth, urban Indigenous, female, newcomer, and rural backgrounds have mentioned disappointing experiences when interacting with government, civil servants, and politicians, and perceptions that the political system does not work for them, as reasons why they have not voted (Bastedo, Chu, Hilderman, & Turcotte, 2011). A survey following the 2015 federal election found that close to one-third of non-voters identified a lack of interest in politics as the reason they did not cast a ballot. Almost half (47 percent) mentioned life circumstances related to being too busy, out of town, or an illness or disability (Statistics Canada, 2016b).

Young Canadians and the Vote

Young voters were a driving force behind the seven-percentage-point increase in overall voter turnout between 2011 and 2015. For the 2015 election, 57.1 percent of 18- to 24-year-olds who were eligible to vote cast a ballot—an increase of 18 percentage points over 2011. No other age group saw as large a boost in participation. Among 18- to 24-year-olds, first-time voters cast a ballot at a higher rate than their peers who were previously eligible to vote. Across all age groups, women voted at higher rates than men up to age 64. (See Figure 6-5.)

Figure 6-5 Voter Turnout by Age Group and Gender at the 2015 General Election



SOURCE: Elections Canada. (2017). *Estimation of voter turnout by age group and gender at the 2015 general election*. Available at: <http://www.elections.ca/content.aspx?section=res&dir=rec/part/estim/42ge&document=p1&la>.

Despite the encouraging boost in youth turnout, young Canadians voted at rates more than 20 points below 65- to 74-year-olds in 2015. Many studies have attempted to explain why younger people are less inclined than older voters to go to the polls. They have found that youths are less likely to agree that they have a duty to vote and are less interested in politics (Blais et al., 2002; Gidengil et al., 2005; Howe, 2003; Elections Canada, 2016a). In 2015, while many young people reported that they were very interested in the federal election, they were still less likely to vote than older Canadians. Youth living in rural areas and unemployed youth were less likely to say they were very interested in the election (Neilson Consumer Insights, 2016). Young non-voters also reported that they were too busy or out of town, or unable to prove their identity or address (Elections Canada, 2016a).

A lack of knowledge about the electoral process was another barrier to voting in 2015. Almost half of youth (46 percent) were unaware of other ways to cast a ballot in addition to voting in person at the polls on election day (Neilson Consumer Insights, 2016). The likelihood of voting increases with knowledge about politics, but young Canadians are more likely to think that politics and government are too complicated for them to understand. While many correctly identified the party that won the most seats in 2015, which level of government is responsible for education and employment insurance, and the name of the premier of their province or territory, they were less likely to do so than Canadians aged 35 years and over (Neilson Consumer Insights, 2016). Political scientist Henry Milner has argued that declining newspaper readership and watching too much television have contributed to low levels of political knowledge, and that young Canadians are less likely to read newspapers (2002, 2005). Some have argued that civics education can boost youth political knowledge and interest (Claes & Hooghe, 2009). Scandinavian countries are noted for developing effective courses in which field trips and parliamentary simulations are key features of the curricula (Milner, 2010). Higher education can also contribute to increased awareness and interest in politics. Youths who have completed a post-secondary degree are twice as likely to vote, compared to their peers with less formal education (Tossutti, 2016).

Concerned citizens and groups have come up with creative ways to encourage youth voting. University students have borrowed from the “flash mob” idea, in which

Armed with a smartphone, a voter takes a “selfie” outside a polling station, urging friends on social networks to cast their own ballots.



groups use social media to organize “vote mobs,” or crowds of students carrying messages encouraging youth turnout. Some student groups have partnered with off campus organizations to provide an app that can be downloaded to phones. From there, students can learn about candidates in their riding, register to vote, and get a free ride to the polling station (Scarth, 2015).

During the 2015 election, Elections Canada opened offices at select campuses, Friendship Centres, and YMCAs to provide information, registration, and voting services to youth. It also provided an online voter registration service that was used by more than 1.7 million Canadians, including many 18- to 24-year-olds (Library of Parliament, 2016b). The Student Vote program (run by the non-partisan group Civix in partnership with Elections Canada) holds mock elections in elementary and high schools that coincide with federal, provincial, municipal, and territorial elections. Thousands of students learn about government and the electoral process, research the parties and platforms, and discuss campaign issues. On voting day, students take on the roles of deputy returning officers and poll clerks and cast ballots for the official election candidates. After the close of the official polls, the results are shared publicly on election night (Student Vote, 2018). Students who participated in previous mock federal elections have reported that their knowledge about politics and the electoral process had improved as a result (Elevate Consulting, 2011).

Indigenous Peoples and the Vote

Turnout varies dramatically among on-reserve electors living in different regions of the country (Bedford & Pobihushchy, 1996; Guérin, 2003). Historically, turnout among Indigenous peoples has been much lower than among the non-Indigenous population (Bedford, 2003; Guérin, 2003; Fournier & Loewen, 2011). That gap narrowed substantially for the 2015 federal election. Turnout on First Nations reserves increased 14 percentage points from 2011, reaching 61.5 percent when special ballots² are excluded. Self-reported turnout for Indigenous electors living off reserve was 68.1 percent (Elections Canada, 2016b).

Leaders from Indigenous communities attributed the large spike in on-reserve turnout to the Conservative government’s “divisive tactics.” At issue was the Fair Elections Act, which ended the practice of “vouching,” in which voters with acceptable identification could attest to the identity and addresses of those who lacked it. This created barriers

² Electors may vote by mail or in person at the office of any returning officer using a special ballot if they cannot or do not wish to vote at a polling station during an election or referendum.

to participation because many Indigenous peoples used vouching as a form of voter identification (Krackle, 2015). Another point of contention was Bill C-51, which cut funding for Indigenous organizations while weakening environmental protections. Anger at these and other government actions “awoke a sleeping giant among a usually quiet electorate,” resulting in numerous offline and online efforts to encourage voting (Puxley, 2015).

The historically lower participation rates of Indigenous voters in federal elections have been attributed to four broad explanations. The first perspective has focused on the social profile and living conditions of Indigenous Canadians (Howe & Bedford, 2009). As discussed earlier in this module, Canadians who are young, are less well off, and do not have a post-secondary education are not as likely to cast a ballot. On average, Indigenous peoples are younger and have lower levels of income and education. Turnout increases among those who live off reserve, who are older, and who have more education and income (Fournier & Loewen, 2011). Indigenous peoples also experience poorer health than the general population making it harder for them to make it to the polls (Prince, 2007).

A second competing explanation is the “nationalist” account. As Indigenous peoples experience a process of decolonization from a historically oppressive society (for further reading see Chapter 11), they increasingly see themselves as sovereign nations. Thus, voting in federal elections conflicts with their desire to deal with Canadian governments on a nation-to-nation basis (Bedford & Pobihushchy, 1996). Many also refuse to participate in an electoral process that is perceived as irrelevant. Indigenous voting rates tend to be higher in band or territorial elections than in federal or provincial elections (Bedford, 2003; Henderson, 2007).

A third explanation refers to a lack of trust in Canadian political institutions that have been instruments of Indigenous oppression. Many do not trust the electoral system, for example, because the federal government used it to try to assimilate Indigenous people (Cairns, 2003; Ladner, 2003). Before 1960, the government’s enfranchisement policy gave Indians (as defined under the Indian Act) the right to vote, but only if they gave up their Indian status and the benefits associated with it. For these reasons, Indigenous leaders have used their influence in the past to dissuade their people from going to the polls. That changed in 2015, when the Assembly of First Nations, a national advocacy organization representing more than 900 000 people living in 634 First Nation communities and in cities and towns across Canada, urged Indigenous people to vote, arguing they could influence the outcome in 51 swing ridings.

A fourth perspective focuses on specific features of Canada’s political system, such as the electoral system and the outreach efforts of political parties. The SMP system may discourage Indigenous people from voting because cultural groups are better able to influence the outcome of an election or to elect representatives from their communities when they are concentrated in large numbers within a federal riding (Barsh, 1994). Since very few ridings have large numbers of Indigenous people, they have fewer opportunities to influence riding and national election results. Political parties have also failed to give sufficient attention to Indigenous concerns in their platforms, or to nominate Indigenous candidates (Ladner, 2003; Silver, Keeper, & Mackenzie, 2005). When there are Indigenous candidates or when political issues are raised that resonate with Indigenous communities, turnout increases (Guérin, 2003). Other related reasons include a lack of information about the election and contact with the candidates, as well as general feelings of being left out (Barsh, Fraser, Bull, Provost, & Smith, 1997). A study of turnout in federal elections held during 2004–2011 found that Indigenous electors who are more interested in politics, follow it closely, are familiar with the party platforms, and feel strongly that voting is a duty are more likely to vote than those who do not (Fournier & Loewen, 2011).

Ethnocultural Diversity and Federal Elections

A growing number of immigrants around the world become citizens and obtain the right to vote in the countries where they settle. However, they are often less likely to participate in elections than others (Office for Democratic Institutions and Human

Rights, 2017). Is the same true in Canada? For the 2015 federal election, the self-reported turnout rates for immigrants with Canadian citizenship who have lived in the country for more than 10 years (76 percent) and Canadian-born citizens (78 percent) were very similar. By comparison, 70 percent of eligible voters who have lived in Canada for 10 years or less cast a ballot (Statistics Canada, 2016b), confirming a trend that has been observed in previous federal elections (Tossutti, 2007; Uppal & LaRochelle-Côté, 2012). Upon their arrival in Canada, newcomers face various settlement challenges meaning that political participation may not be their highest priority. Immigrants, regardless of how long they have lived in Canada, were more likely than Canadian-born citizens to mention life circumstances or health issues as reasons for not voting in 2015 (Statistics Canada, 2016b).

In the United States and other liberal democracies, turnout also varies across members of different racial and ethnic groups (United States Census Bureau, 2018). In Canada, visible minorities generally vote at lower rates than other Canadians in federal and provincial elections. Visible minority Canadians who vote generally have the same characteristics as voters from other communities: they are older, feel that they have a duty to vote, believe that their vote can make a difference, and identify more closely with a party (Bilodeau & Turgeon, 2015). Within the foreign-born visible minority population, Canadians of Chinese ancestry vote at lower rates than individuals who identify as South Asian, although these differences disappear when demographic characteristics such as newcomer status, education, income, and marital status are considered (Tossutti, 2007). The lower turnout rates of Canadians of East Asian ancestry have been attributed to a history of discriminatory state policies against the Chinese (Li, 1998), discussed in Chapter 3, community orientations that do not place a high priority on voting (Lapp, 1999), language barriers, a lack of awareness of democratic rights or the electoral process, negative attitudes about politics, and the relative recency of mass immigration from East Asia (Elections BC, 2005).

Turnout also varies considerably among citizens who have immigrated to Canada from different regions of the world. In 2015, immigrants from “Anglosphere” countries (United States, United Kingdom, Ireland, Australia, and New Zealand) had the highest turnout, followed by immigrants from Western/Northern Europe (excluding the United Kingdom and Ireland) and South Asia. Immigrants from Eastern Europe and East Asia had significantly lower rates of turnout (Uppal & LaRochelle-Côté, 2016). Explanations for these differences include a lack of democratic traditions in certain parts of the world, a lack of trust in political institutions, and differences in political culture (Bevelander & Pendakur, 2007, 2009).

Political Party Membership and Campaign Activism

Political parties play a key role in Canadian democracy. They develop positions on issues and dominate political debates in Parliament and in the media. Party members also choose the leaders and candidates in each electoral district who run for the House of Commons. If elected, they decide whether Canada should send armed forces to participate in a war or risky peacekeeping missions; how much should be spent on job creation, the environment, health, and other important policy areas; and how much Canadians should pay in taxes. Parties offer their supporters several incentives to join and get involved, including opportunities for socializing, access to jobs, and political education. They may also give their members a role in party decision making or introduce them to public officials who can help them when they have a problem.

There are few barriers to joining a political party; non-citizens and people who are at least 14 years old can join, and membership fees are quite low. Nevertheless, parties have not attracted large numbers of Canadians to their fold. In 2013, just 4 percent of Canadians were a member of a political party or group, down from 5 percent in 2003. Sports and recreational organizations are far more popular with Canadians,

with 31 percent reporting an involvement (Turcotte, 2015c). Political parties in most European democracies have also lost their capacity to engage citizens in the way they once did, with average membership levels just under 5 percent (van Biezen, Mair, & Poguntke, 2012). While there is some debate as to whether fewer people are joining Canadian political parties than 50 years ago, it is clear that the parties do not inspire much confidence. Just 7 percent of Canadians expressed a lot of trust in parties in 2014, similar to levels observed in the United States, Mexico, Central and South America, and the Caribbean (Environics Institute, 2014).

The small minority of Canadians who do join parties are not typical of broader society; they are more likely to be well educated, male, Canadian born, and of European ancestry (Cross, 2004). In 2013, just 3 percent of Canadians aged 20–24 belonged to a political organization (Turcotte, 2015b). This “greying” trend has also been observed in Denmark, Ireland, and Great Britain. Young Canadians are more likely to commit to advocacy groups concerned with various causes such as protecting the environment and human rights, voluntary organizations, or protest activities.

Federal election campaigns in Canada are relatively short and low-budget affairs when compared with elections in the United States. Because of this, political parties need to attract volunteers to attend campaign events, ask for donations, contact voters at their homes, drive voters to the polls on election day, and perform other campaign tasks. In the 1960s and 1970s, between 20 percent and 40 percent of Canadians reported that they had worked on a campaign activity (Mishler, 1979). By 2016, that figure had dropped to 15 percent (Samara Canada, 2017). Australia, the United States, and several European countries have also seen declines in campaign volunteers (Dalton, McAllister, & Wattenberg, 2000).

It is widely believed that fewer people are volunteering to help candidates and parties because campaign styles have changed (Gidengil et al., 2004). Since the 1960s, parties have relied more and more on professional public relations consultants, pollsters, advertising agencies, and media specialists to run their campaigns, and on automated dialling software to contact voters. The professionalization and centralization of campaigns have meant that local party members are left with menial tasks that do not give them a great deal of influence on party policies.

Interest Group Involvement

Interest groups (also known as advocacy groups) are organizations that seek to influence government policy by raising issue awareness, communicating their members’ views, and in some cases negotiating the details of policies with public officials. More Canadians, particularly younger Canadians, feel they have a better chance to influence public policy by joining an interest group rather than a political party (Howe & Northrup, 2000). As with other vehicles of political participation, interest group membership is not representative of Canadian society. Older, affluent university graduates and Canadians of European ancestry are most likely to belong to these groups (Gidengil et al., 2004). For a full discussion of interest groups, see Chapter 7.

Informal Political Participation and Civic Engagement in Canada

6.4a Discuss the informal political involvement of Canadians.

6.4b Discuss how and to what extent Canadians contribute to civic life.

While most types of formal political participation have been withering, protest activities have been growing over the past few decades in Canada and other liberal democracies

(Hall, 2002; Maloney, 2006; Putnam, 2000; Worms, 2002). Political scientist Neil Nevitte (1996) has attributed this international phenomenon to the shift to a post-industrial economy and the rise of post-materialist values that have produced a growing number of citizens who possess the skills, knowledge, and information to challenge public authorities. As is the case with formal political participation, certain individuals are more likely to engage in political protest. They include university-educated Canadians, the relatively affluent, public sector employees, people from union households, and a core of young Canadians born after 1970 (Gidengil et al., 2004).

When Canadians protest, they tend to engage in actions that do not require a lot of time and effort. According to a 2016 survey, 59 percent of Canadians had signed a petition and 40 percent had boycotted or bought products for ethical or political reasons (“buycotting”) in the previous 12 months. In comparison, 21 percent had taken part in a protest or demonstration (Samara Canada, 2017). Although relatively fewer Canadians participate in more time-consuming protest activities, even modest efforts can have a major impact on public opinion or business practices. In the 1970s, thousands of Canadians took part in mass demonstrations against the war in Vietnam and nuclear testing off the coast of Alaska. During the 1990s, protests and blockades set up by environmental groups and First Nations drew the world’s attention to industrial logging in British Columbia’s ancient temperate rainforests, while information campaigns alerted consumers to the cost of buying wood and paper products from this ecosystem.

The early twenty-first century has seen significant mass protests organized by environmental, Indigenous, student, women’s, and social justice movements. A few examples include the thousands of people who have protested the expansion of the Trans Mountain pipeline between Edmonton, Alberta, and Burnaby, British Columbia. Many of these protests were led by Indigenous rights activists who feel the federal government approved the pipeline without Indigenous consent and in disregard of Canada’s climate change commitments (Waisman, 2018). Marches have also been organized by supporters who believe the pipeline project will help Canada’s economy.

In 2012, about 185 000 post-secondary students in Quebec went on strike, stopped attending classes, and took to the streets to protest planned tuition increases. In that same year, four women from Saskatchewan held a conference called “Idle No More.” They set up a website and Facebook page outlining their opposition to a budget implementation bill that threatened to erode Indigenous sovereignty and environmental protections. Supporters of the movement staged rallies across the country, held flash mob-style protests in shopping malls, and blocked passenger rail lines. Attawapiskat Chief Theresa Spence began a 43-day hunger strike, and a group of young people from

Thousands joined The Women’s March in Toronto, part of a world-wide protest on the day following the inauguration of United States President Donald Trump.



a Cree community in Quebec trekked 1600 kilometres to Ottawa (CBC News, 2013, October 4). The movement also spread beyond Canadian borders as rallies were staged as far off as Texas, Hawaii, and New Zealand (The Canadian Press, 2013, January 1).

Although violent protests are not common, they have had a significant impact on Canadian history. In 1837 and 1838, an estimated 40 000 to 200 000 French-Canadians participated in the Lower Canada rebellions. In 1869, Louis Riel, the leader of about 10 000 Métis in the Red River area, seized Fort Garry and established a provisional government of Manitoba. More than 15 000 Canadians took part in the conscription riots of 1917, and another 30 000 workers left their jobs in support of the Winnipeg General Strike in 1919. The 1960s and early 1970s saw the Front de libération du Québec (FLQ), a Quebec secessionist group, carry out bombings and kidnappings that culminated in the deaths of at least five people.

In 1990, Mohawks near the town of Oka, Quebec, organized a peaceful blockade to oppose the development of a golf course on sacred land. The protest escalated into a 78-day armed siege at Kanesatake and Kahnawake between Mohawks, the Quebec police, and the Canadian army. In 2010, downtown Toronto became “ground zero” in a violent clash between police and demonstrators outside a meeting of leaders of the world’s 20 major economies. Prior to the summit, protests against poverty, globalization, climate change, and the plight of Indigenous peoples, among other issues, had unfolded in the city streets without a major incident. That changed on June 26, when a peaceful march of 4000 protesters erupted into violence. A small group of masked, black-clad protesters broke away from the march; stormed onto the streets armed with hammers, rocks, and other objects; set parked police cruisers on fire; and smashed the windows of banks, retail stores, fast food chains, and some local businesses (Kidd, 2010).

During the three-day summit, police detained more than 880 people in a temporary jail. Those detained say they were subjected to inhumane conditions: overcrowded cells; bathrooms with no doors; strip searches; and little access to water, food, or legal counsel (Yang, 2011). On the second day of the summit, police “kettled” a group of peaceful protesters and local bystanders for several hours because they suspected members of the Black Bloc were still in the crowd. “Kettling” is a controversial tactic used by police to contain a large crowd, which prevents protesters from leaving the cordoned area. An independent review of summit policing found that while most officers carried out their duties in a professional way, numerous others used excessive force in dealing with the protesters. It also found that the makeshift jails were not prepared for the mass arrests, leading to violations of prisoner rights (Office of the Independent Police Review Director, 2012).

Social Movement Involvement

A growing number of people in Canada and around the world, including many youths, have founded or are involved in social movements. Social movements are more informal networks of groups and individuals that seek major social and political changes. A few examples include the Indigenous, women’s, environmental, LGBTI (lesbian, gay, bisexual, transgender, and intersex), human rights, Occupy, Black Lives Matter, and animal rights movements. Ronald Inglehart (1971, 1990) has attributed their growth in many advanced capitalist democracies since World War II to changes in cultural values. For a full discussion of social movements in Canada, see Chapter 7.

Online Activism

The growth of computers and connectivity since the early 1980s has paved the way for another form of political involvement dubbed “cyber activism,” or online activism. Interactive platforms have radically altered how groups and social movements raise awareness about issues that are not reported or are underreported in the mainstream

media, how political activists circulate information to their followers and organize campaigns, and how Canadians discuss politics with each other. Political parties and elected politicians are also using social media platforms, including Twitter, Facebook, YouTube, Instagram, and Snapchat, to engage with Canadians (Samara Canada, 2017).

In 2017, a hashtag ignited a global campaign against sexual harassment, more than a decade after African-American civil rights activist Tarana Burke had founded a non-profit organization to help victims of sexual harassment and assault and named her movement “Me Too.” In the 24 hours after an American actress tweeted “If you’ve been sexually harassed or assaulted write ‘me too’ as a reply to this tweet,” 12 million people on Facebook alone engaged with the #MeToo, often sharing stories of being attacked as children or harassed at work and in other venues (Stevens, 2017; Wagmeister, 2018). For further reading, see the opening vignette in Chapter 7.

The global social justice movement has relied heavily on Internet-based media to contest trade and investment liberalization, the privatization and deregulation of welfare state institutions, and “sweatshop” practices by major clothing companies, among many other issues. Those involved in the demonstrations at the G20 summit used Facebook and Twitter to coordinate the protest and YouTube to upload images of police actions against the protesters. Social media contributed to the growth of the Occupy movement to protest income inequality between the wealthiest 1 percent of the world’s population and the “99 percent.” (See Box 6-2: The Social Media and Political Protest.) The outpouring of support for the movement through video, photos, text messages, audio, and other online services such as Facebook, Twitter, and Tumblr had given the movement a sense of legitimacy (Preston, 2011).

Internet-based technologies are providing avenues for young people, in particular, to share and discuss information about politics and political actors. According to a 2014 survey, 18- to 29-year-olds were more likely than older Canadians to discuss politics via email or text messages, circulate, repost or comment on political matters, follow a politician on social media, and follow a political group on social media. (See Figure 6-6.)

Amid the growing usage of interactive platforms for information sharing, political mobilization, and lobbying decision makers, there is a robust debate on whether these modes of communication will revitalize dwindling rates of participation in formal political activities. Optimists argue that “chatrooms, radio and video streaming, personalized websites, as well as access to databases, government documents and unfiltered news sources” give people the freedom to create and interpret information in their own way (Deibert, 2002, p. 11). The Internet can also connect people in isolated communities to the outside world. However, there are concerns that the lack of face-to-face interaction in a virtual environment and the ease with which identities can be forged will undermine trust between people (Barney, 2000).

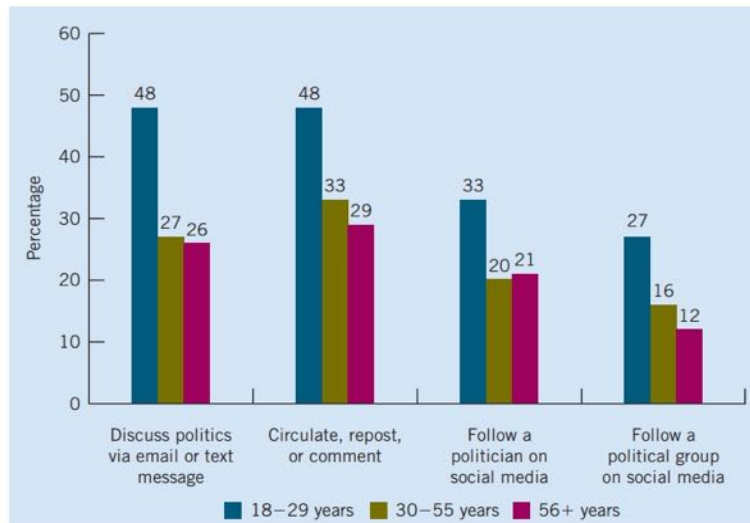
Box 6-2 The Social Media and Political Protest

The Occupy movement, which encouraged protesters to converge on the financial centres of the world to protest income inequality, began with a single tweet. In 2011, the Vancouver-based anti-consumerism magazine *Adbusters* posted a suggestion for a march on Wall Street against the gap in wealth between the richest 1 percent and the “99 percent.” As Occupy encampments spread to 130 countries, protesters used cellphones and social media sites like Twitter, Facebook, and YouTube to produce daily images and live-stream videos of their activities (Preston, 2011). Between July and October 2011 the movement had generated more

than a half million Twitter posts, with Canada emerging second only to the United States in terms of Twitter chatter (*National Post*, 2011). Although local authorities eventually broke up the encampments, the movement had successfully placed the issue of social inequality on the political and media agenda.

The battle against income inequality is just one example of cyber activism. In the future, the greater sophistication and availability of Internet-based media, along with innovations in how to apply them, could make these already powerful tools for political expression and change even more effective.

Figure 6-6 Online Political Engagement by Age Group (Percent)



SOURCE: 2014 Samara Citizens' Survey (Samara Canada, 2015).

There are also inequalities in Internet access and usage in Canada. A narrow spectrum of Canadian society—university graduates, the affluent, and the young—are more likely to rely on it for information than Canadians who are older, less educated, and less well off. The “digital divide,” whereby wealthier individuals in urban areas are more likely to live in households with access to high-speed broadband connections than are the poor and residents of rural and remote communities, mirrors the participation gap between the affluent and less well off that has been observed in many conventional political activities.

Civil Society and Civic Engagement

Democracy, as Alexis de Tocqueville (1900) argued in his observations of nineteenth-century United States, requires civic associations that are not specifically political but that provide meaning for people and opportunities for them to become involved in their communities. He concluded that voluntary organizations strengthen democracy because they encourage people to cooperate with each other to achieve the common good. **Civil society** consists of the voluntary associations and non-governmental organizations that bring people together to achieve a common goal. Some examples of voluntary organizations include the following:

- sports and recreation clubs;
- religious associations;
- student or campus clubs;
- community/service organizations (e.g., Lions, Canadian Legion);
- ethnocultural associations;
- environmental groups;
- human rights organizations; and
- business and professional associations and labour unions.

Although most voluntary associations are not primarily political in nature, many of them become involved in political actions while representing their members' interests. Some examples include student associations that lobby post-secondary institutions and provincial governments for lower tuition fees, religious groups that

Civil Society

The voluntary associations and non-governmental organizations that bring people together to achieve a common goal.

Social Capital

The networks, norms of generalized reciprocity, and trust that foster coordination and cooperation for mutual benefit.

take public stands on moral issues such as abortion and euthanasia, or ethnocultural organizations that lobby the federal government on foreign policy and immigration matters.

Political scientist Robert Putnam (2000) has argued that voluntary associations provide modern democracies with a crucial supply of **social capital**. Social capital refers to the social networks, norms of generalized reciprocity, and interpersonal trust that foster coordination and cooperation for mutual benefit. Generalized reciprocity refers to the understanding that “I will do this favour for you now without expecting anything specific back from you, in the expectation that someone else will do something for me down the road” (pp. 20–21). This idea was captured in the movie *Pay It Forward*, in which a young boy is asked in his social studies assignment to propose an idea that will improve humankind. The boy decides to do good deeds for three new people. If they can also do good deeds for others, or “pay it forward,” then positive changes should and do occur. According to social capital theorists, mutual cooperation and trust between individuals living in the same society are necessary for democracies to thrive. Others are skeptical about the potential for social capital to support democracy. For example, gang members or members of groups that promote racial hatred may also cooperate with and trust each other, but they can hardly be described as supporting democracy and tolerance.

Why do many people believe that it is a good thing for a country to have a strong civil society in which many people participate in voluntary groups? One reason is that people who get involved in these associations are more likely to get involved in political activities. This happens because people meet new friends in these groups. They may end up talking about politics or asking new acquaintances to attend a political party meeting, to help out on a campaign, or to join a protest. Furthermore, members of voluntary groups take an interest in community affairs and often learn how to plan a meeting; cooperate with others to achieve a common goal; and acquire the attitudes, leadership, and social skills that are necessary to participate in politics. In Italy, regions with dense networks of amateur soccer clubs, choral societies, community service organizations, and the like were found to be more prosperous and better governed (Putnam, 1993). In the United States, youths are better off and healthier in states with more voluntary organizations, higher rates of participation in them, and higher rates of volunteering (Putnam, 2000). These states are also safer, more tolerant of civil liberties, and more committed to racial and gender equality. Income gaps between the rich and poor in these states are also lower than in states with fewer civic groups.

Civic Engagement in Canada

The bonds between citizens and society are not limited to formal and informal political participation. Civic engagement affects the well-being of communities and their members. It encompasses activities such as joining a civic group or organization, **volunteering**, or donating money to charities and non-profit organizations. While a minority of Canadians participate in most types of political activities, the country’s civic life is healthy. In 2013, nearly two in three Canadians (65 percent) were members or participants in a group, organization or association, up from 61 percent in 2003. Sports or recreational organizations; unions or professional associations; and cultural, educational or hobby organizations were the most popular with Canadians. The popularity of different groups tends to reflect different stages of life, with young people particularly drawn to sports organizations and school or community groups. Although participation in many groups is free and open to everyone, immigrants and individuals with lower incomes and levels of education were less likely to participate (Turcotte, 2015a).

Volunteering

Providing unpaid service to help others.

Box 6-3 Does Mandatory Volunteering Build Better Citizens?

In response to declining levels of youth engagement in certain political or civic activities, educational institutions around the world have introduced community service requirements. Service can involve activities such as assisting younger children with their reading or homework, volunteering at a local hospital or animal shelter, coaching, or any other activity that is not done for pay and that improves the quality of community life. The goal is to help students develop an understanding of civic responsibility and the contribution they can make to their community.

In Canada, some provinces and territories, as well as some districts, schools, and programs, require high school students to complete a certain number of volunteer hours before graduation. High school students in Ontario are required to take a civics class and complete a minimum of 40 hours of community involvement activities to graduate (Ontario Ministry of Education and Training, 1999). These curriculum changes were introduced because research has shown that community service can lead to improvements in political knowledge and political efficacy (Niemi, Hepburn, & Chapman, 2000), to higher rates of volunteering during high school (Henderson,

Brown, Pancer, & Ellis-Hale, 2007), and to volunteering involvements later in life (Janoski, Musick, & Wilson, 1998).

But not everyone agrees that mandatory community service is a good idea. Shortly after the requirement was introduced in Ontario, one principal commented that it “ticks off those students who had no intent of volunteering before, who will act out in defiance of being told what to do and say they’re not going to volunteer, possibly putting their graduation prospects at risk” (Volunteer Canada, 2006). Students who are forced to volunteer may also come to view community service as an activity that should be done only when it is required or rewarded (Batson, Janoski, & Hanson, 1978). The effectiveness of community service programs also depends on whether students have meaningful placements, are well supervised, and can share their experiences in the classroom (Meinhard & Foster, 1999, 2000).

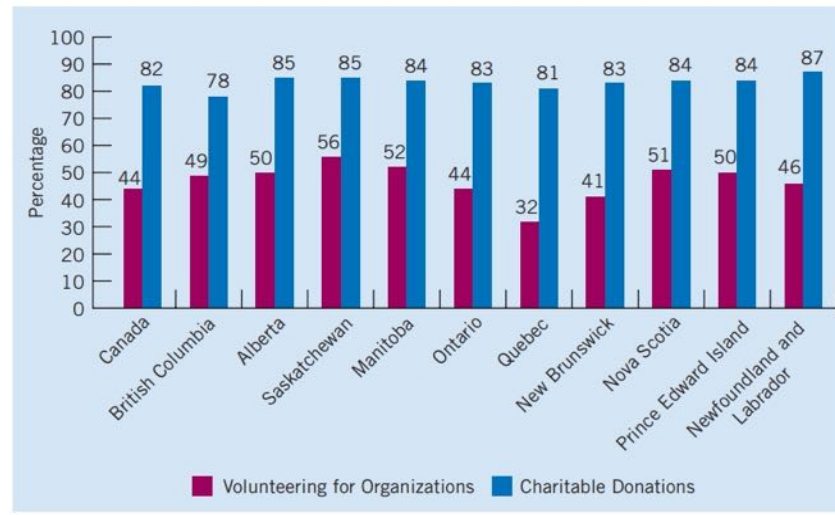
If you were designing the high school curriculum in your province, would you require that students perform community service in order to graduate? What are the benefits of mandatory community service? Are there any drawbacks?

Millions of Canadians volunteer their time because they want to give back to their communities and use their skills and experience or because they were personally affected by the cause supported by the organization. Other Canadians perform community service in response to requests by schools, employers, or non-profit and charitable organizations, with young people aged 15 to 24 most likely to report doing required service (Vézina & Crompton, 2012). (See Box 6-3: Does Mandatory Volunteering Build Better Citizens?) In 2013, 12.7 million Canadians, or 44 percent of people aged 15 years and older, volunteered for a group or organization at least once during the previous 12 months, down slightly from 47 percent in 2010. Women, middle-aged adults who were often parents of school-aged children, and young adults aged 15–19 were the most likely to volunteer for groups.

The vast majority of Canadians (83 percent) also help others directly, without working through an organization, according to the 2010 Canada Survey of Giving, Volunteering and Participating (Vézina & Crompton, 2012). By helping out with household tasks, providing personal care, offering unpaid coaching or tutoring, or caring for the elderly and children on an informal basis, they are helping to fill gaps in the welfare state. Young people aged 15–24 were the most likely to help others directly, as were people with higher incomes and a post-secondary education. The provinces with the highest rates of one-on-one volunteering were Saskatchewan and Prince Edward Island. The lowest rates of helping others directly were reported in the Northwest Territories and Quebec.

Financial donations can help diverse causes, such as ensuring that homeless shelters and food banks can deliver essential services; universities and hospitals can conduct life-saving medical research; and political, religious, and environmental groups can make their views known. For people with busy lives or health challenges, giving money is less time consuming and physically demanding than volunteering their time. In 2013, 82 percent of Canadians contributed \$12.8 billion to these

Figure 6-7 Volunteer and Charitable Donation Rates by Province (Percentage)



SOURCES: Turcotte, M. (2015c). *Volunteering and charitable giving in Canada*. Ottawa: Minister of Industry, pp. 5, 16; Statistics Canada (2015a). General Social Survey on Giving, Volunteering and Participating, 2013b. This does not constitute an endorsement by Statistics Canada of this product.

organizations. While the proportion of donors was down two percentage points from 2010, the amount donated increased substantially. Donors tend to be older and more educated (Turcotte, 2015a).

Volunteer and donor rates varied across the country because of differences in the economic conditions of provinces and territories as well as the social and cultural values of the people who make up sub-national populations. (See Figure 6-7.) Rates of volunteering for organizations were highest in Saskatchewan and lowest in Quebec. Donation rates were highest in Newfoundland and Labrador and lowest in British Columbia.

Summary and Conclusion

This chapter has drawn a portrait of democratic life in Canada by examining to what extent Canadians become involved in formal and informal political activities and in civic affairs, and whether some people are more likely than others to participate. Although there are numerous opportunities to get involved on a local, provincial, national, and international scale, Canadians are not fervent political activists, and several forms of conventional political involvement are in decline. In this respect, Canadians have much in common with citizens living in other democratic states. Furthermore, the individuals who take part in most types of political and civic activities do not reflect the country's diverse social makeup. A small core of individuals tend to dominate political and civic affairs. The attitudes, personal characteristics, and living conditions of Canadians explain these differences.

With some exceptions, voice, power, and influence tend to be concentrated among those who are better off, well educated, and older.

There are some bright spots in this portrait of individual and group participation in democratic life. A large majority of Canadians give back to their communities through volunteering, and growing numbers are finding new ways to become engaged in politics through social movements, protest activity, and cyber activism. Thus, as Canadians become more disillusioned with their elected representatives, they are developing alternative ways of bringing their ideals and values into the public arena. These vehicles of participation have already changed public opinion, policies, laws, and the ways Canadians learn about issues, express their views, and take action.

Discussion Questions

1. Classical democratic theorists argue that high levels of political participation by a broad cross-section of society are desirable in a democracy. Elitist theories are based on the premise that participation should be limited to those who have the education and resources to understand complex political issues. Where do you stand?
2. What is your opinion about deliberative democracy? Should citizens play a larger role in the policy-making process?
3. Is voting important? What can be done to encourage more young people to vote?
4. Should online voting be instituted in federal elections?
5. Has the growing popularity of Internet-based media as a means of political expression and mobilization bolstered or undermined democracy?
6. Can violent protest activity ever be justified?
7. Should high schools or colleges and universities institute mandatory community service for students to graduate?

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Chapter 7

Political Influence: Interest Groups, Lobbyists, and Social Movements



Canadians take part in a #MeToo march, one of many organized around the world, to spark change in how survivors of sexual assault and harassment are treated.



Learning Objectives

After reading this chapter, you should be able to

- 7.1a** Discuss theoretical perspectives on interest groups.
- 7.1b** Distinguish between different types of interest groups.
- 7.2a** Assess the ability of interest groups to influence public policy.
- 7.2b** Discuss whether lobbying should be strictly regulated.
- 7.3** Discuss the growth, tactics, and significance of social movements.

The global spread of the #MeToo social movement illustrated the power of social media to create a platform for people from diverse backgrounds to share their experiences with sexual harassment and violence and to challenge the culture of tolerance of sexual harassment and abuse of power.

A decade before the genesis of the hashtag, American social activist Tarana Burke had launched a “Me Too” campaign to help women and girls of colour affected by sexual abuse. “MeToo” was a catchphrase to assure survivors they were not alone. The movement was reignited in 2017 after the *New York Times* reported allegations of sexual harassment and assault against powerful Hollywood film producer Harvey Weinstein. Shortly after the story broke, the #MeToo movement went viral when actress Alyssa Milano tweeted #MeToo and encouraged women who had been sexually harassed or assaulted to post about their experiences on social media.

Millions of people—mostly, but not solely, women—shared their stories of rape, assault, and harassment in the workplace on Facebook, Twitter, Instagram, and other social media channels. In less than a month, #MeToo had been tweeted 2.3 million times from 85 different countries (Burke, 2018, March 9). A cascade of accusations of sexual misconduct led to the firings and resignations of many high-profile men from the worlds of entertainment, media, and politics.

In the wake of greater public scrutiny of sexual harassment and assault, the number of sexual assaults reported to the police in Canada increased, and the ones deemed “unfounded” by officers declined (Press, 2018). Allegations of misconduct forced the resignations of prominent federal and provincial politicians. Federal cabinet ministers spoke publicly—and young Parliament Hill staffers quietly—about “predatory, sexualized behavior in Ottawa” (Press, 2018, February 1). A 2017 online survey of more than 1300 Canadians found that 30 percent of respondents had experienced sexual harassment and 3 percent had experienced sexual violence at work (Employment and Social Development Canada, 2017).

Chapter Introduction

A key feature of liberal democracy is the ability of people to freely organize and join groups to express their views and to influence the decisions of government. Through involvement in interest groups and social movements, individuals can express their interests and identities and try to make their voices heard. They also have the potential to provide a voice for interests that are not well represented in mainstream political institutions. In this chapter we examine why people join groups and movements. Do decision makers listen and take into account their ideas and proposals? Are some groups more influential than others? How can groups and movements best achieve their objectives, and what obstacles do they have to overcome?

Interest Groups

7.1a Discuss theoretical perspectives on interest groups.

7.1b Distinguish between different types of interest groups.

Interest groups (also known as pressure groups¹ or advocacy groups) are organizations that pursue the common interests of groups of people, particularly by trying to influence the making and implementation of public policies. Because individuals have differing interests (including those based on region, ethnicity, gender, occupation, age, values, religious affiliation, and recreational activities), any person may join or be represented by many groups. A group formed to promote a particular interest or issue

Interest Groups

Organizations that pursue the common interests or values of groups of people, particularly by trying to influence the making and implementation of public policies.

¹ The term “pressure group” is sometimes used to distinguish groups that are primarily devoted to influencing government from the broader category of “interest groups” that share a common interest or goal but do not necessarily focus on political action. The term “advocacy group” is also used to describe “any organization that seeks to influence government policy but not to govern” (Young & Everitt, 2010, p. 170).

position will often stimulate the creation of other groups to promote different interests or opposing positions on the same issue. In this way, competing interest groups can represent the diversity of interests present in society.

Often, several organizations claim to represent the same interest. For example, both the Canadian Federation of Students (CFS) and the Canadian Alliance of Student Associations (CASA) claim to represent the interests of post-secondary students. The organizations differ not only in the tactics they use—the CFS has been more likely to engage in protest activity, while the CASA focuses on developing good relations with politicians—but also in their general ideological perspective—the CFS has tended to lean to the left, while the CASA tends to be more conservative. Francophone students in Quebec are represented by yet other student organizations. For more information, visit the CFS (www.cfs-fcee.ca) and CASA (www.casa-acae.com). Overall, contemporary Canada features a very large number of interest groups. Some are regularly active in politics, while others are only occasional participants in the political process.

Theoretical Perspectives

Pluralist Theory

The theory that the freedom of individuals to establish and join groups that are not controlled by the government results in a variety of groups having an ability to influence the decisions of government, with no group having a dominant influence.

Pluralist theory assumes that governments in liberal democracies are influenced by a wide variety of interest groups. Politicians will try to find compromises among the positions brought forward by competing interest groups to satisfy as many groups as possible. Government, in the pluralist view, is not biased toward a particular interest but rather reacts to the pressures placed on it by different groups. Of course, some interest groups are more influential than others. However, while some groups may have plentiful financial resources that help them to exert influence, other groups may be able to make use of the voices of their large membership or the expertise they possess. Furthermore, the pattern of group influence will vary from one policy area to another. For example, business groups may be more influential when it comes to economic policies (such as the pursuit of free trade agreements) but may be less influential than other groups when government is considering education or health care policies.

Overall, then, pluralist theory (which was developed in the United States) suggests that no one group or interest has a dominant influence over public policy. If people are free to form and join groups, it is assumed that the differing interests in society will be able to influence public policy. Thus, interest groups play a major role in creating a liberal democratic political system in which power is widely dispersed. Furthermore, it is assumed that free competition among the groups, each promoting a particular set of interests, will generally result in policies that are in the public interest.

Neo-Pluralism

A modification of pluralist theory that views business interests as having a privileged position in influencing government policy making.

Critics argue that pluralist theory is unrealistic in its depiction of political influence. **Neo-pluralism**, a modification of pluralist theory, views business interests as having a privileged position in influencing government policy making. Not only do corporations have substantial financial resources and organizational capabilities, but they also largely determine the economic well-being of countries that have free market economic systems (Lindblom, 1977). Because of their economic clout, large corporations have “guaranteed access” to key government decision makers that empowers them to influence governments (Macdonald, 2007, p. 181).

Marxist Theory

A theory that views capitalist countries as inherently biased toward the interests of capitalism and the capitalist class.

Marxist theory views capitalist countries, such as Canada, as inherently biased toward the interests of capitalism and the capitalist class. Even if governments provide some benefits to the working class, this is viewed as an attempt to shore up the legitimacy of the capitalist system and prevent serious challenges to capitalism. The working class may not know what is in their true interests, thus allowing a system that is inequitable for the majority to be maintained even in a liberal democracy.

Rational choice theory (also known as public choice theory) works from the assumption that individuals rationally pursue their own self-interest. Interest groups that seek special benefits from government for their members are more likely to be better organized and influential than groups that are concerned about the general good of the country or of a large part of the population. For example, dairy farmers have organized themselves and pressured government to create marketing boards that limit production and make it difficult for new operations to be established. Higher prices for consumers are the result. However, consumers are difficult to organize into a strong interest group because the benefit to each consumer is small.

Finally, **state-centred theory** views the state (all the institutions involved in governing) as largely independent of social forces. Thus, politicians and bureaucrats are relatively free to act on their own values and interests and try to shape the political context in which they operate. This may include encouraging and supporting certain interest groups, selecting which interest groups to include in the policy-making process, and using interest groups as a means to persuade the public of the merits of the policies government plans to adopt. State-centred theory does not assume that the Canadian state is a single-minded actor. Rather, in this perspective, public policy is shaped to a substantial degree by the interaction between, or conflict among, governing institutions (such as the competing interests of national and provincial governments and of different government departments and agencies). In state-centred theory, then, interest groups are not viewed as having a strong independent effect on public policy.

Types of Interest Groups

Some interest groups, termed **self-interest groups**, are primarily concerned with gaining **selective benefits** from government for their members. For example, the Canadian Association of Petroleum Producers (CAPP) represents companies large and small that produce about 80 percent of Canada's oil and natural gas. Representing a \$110 billion a year industry, CAPP has various objectives, including "eliminating/modifying costly regulations," "streamlining approval processes" for new developments, and "promoting the industry's economic well-being and sustainability" (Canadian Association of Petroleum Producers, 2012). For more information, visit the Canadian Association of Petroleum Producers (www.capp.ca).

Another type of interest group, termed a **public interest group** or citizens' group, pursues goals that can be viewed as advocating for what it believes to be for the public good rather than only benefiting members of the group. Examples include the Sierra Club, which campaigns for environmental protection, and the Council of Canadians, which advocates for clean water, fair trade, green energy, public health care, and electoral reform. For more information about these issues, visit the Sierra Club Canada (www.sierraclub.ca) and Council of Canadians (www.canadians.org).

Although the policies championed by various public interest groups may be controversial, public interest groups believe the policies they promote will provide **collective benefits** for society. Groups seeking to improve conditions in other parts of the world may also be considered public interest groups. For example, the Canadian Council for International Co-operation (www.cic.ca), a coalition of about 85 voluntary organizations, aims to "end global poverty and to promote social justice and human dignity for all."

The distinction between self-interest and public interest groups can be contentious, as almost all interest groups will claim that they are pursuing the public good. The Canadian Association of Petroleum Producers, for example, in its extensive advertising, emphasizes its commitment to protecting the environment and operating in a

Rational Choice Theory

A theory based on the assumption that individuals rationally pursue their own self-interest.

State-Centred Theory

The theory that the state is largely independent of social forces, and thus state actors are relatively free to act on their own values and interests.

Self-Interest Groups

Interest groups that are primarily concerned with selective benefits that are directed toward their members.

Selective Benefits

Particular benefits that are made available to the members of an interest group but are not available to the public as a whole.

Public Interest Group

A group that pursues goals that can be viewed as being for the public good and do not benefit members of the group exclusively.

Collective Benefits

Benefits to society as a whole.

sustainable fashion as well as noting its importance to jobs and Canadian prosperity. Nevertheless, business groups are primarily concerned with the profitability of the corporations they represent.

On the other hand, a number of organizations that are generally considered public interest groups are focused on improving the position of a sector of society (rather than just their dues-paying members). For example, many groups that represent women, the poor, and those of different sexual orientations may be considered public interest groups since they are primarily concerned with achieving equality and social justice. Similarly, groups representing a particular ethnic group might be considered to be basically public interest groups as they are not generally focused on gaining specific, selective material benefits for their members. Rather they may seek changes in public policies that reflect the concerns, values, and identities of the sector of society that they represent.

Overall, distinctions between self-interest groups and public interest groups can be useful. Yet, claims that the policies sought by any group, corporation, union, or individual are in the public interest are often controversial and need to be examined carefully to assess their validity.

Interest Group Activities

Political activity is often only one aspect of the activities of interest groups. For example, in addition to pursuing the interests of their profession through political activity, many professional associations representing lawyers (www.cba.org), doctors (www.cma.ca), and social workers (www.casw-acts.ca) also perform the following important functions:

- educating and informing their members;
- arranging conferences for their members;
- assessing the qualifications of those who seek accreditation to practise their profession; and
- determining whether members should be disciplined for violating the ethics and rules of their profession.

Similarly, business associations may be involved in helping members find export markets, developing certification standards for products, and working with community colleges to ensure that potential workers are properly trained. Labour unions, although often active in politics, are primarily concerned with collective bargaining and ensuring that employers honour collective agreements. The Royal Canadian Legion (www.legion.ca) provides social gathering places for veterans, participates in community activities, and reminds Canadians of the sacrifices made in times of war, as well as lobbying government to improve veterans' pensions.

Interest groups also vary in whether they seek to influence the policies adopted by governments on one particular issue or a range of issues. For example, pro-life and pro-choice groups focus on whether abortion should be legal and accessible. The Business Council of Canada (<https://thebusinesscouncil.ca/>) and the Canadian Labour Congress (www.canadianlabour.ca) try to influence government on a variety of issues that relate directly or indirectly to the interests of big business and labour unions.

How Are Interest Groups Organized?

The organizational structure of interest groups is as varied as the groups themselves. A group of neighbours who attempt to get their city to fix the potholes on their street has quite a different organization than the Canadian Manufacturers & Exporters Association or the Canadian Nurses Association. The neighbours will not likely bother setting up a formal organization, other than perhaps deciding on a spokesperson, and



The Canadian Teachers' Federation, successfully lobbied the federal government to pass legislation making cyberbullying (the use of information and communication technologies to bully, embarrass, threaten, or harass another) a criminal offence.

Ian Allender/123RF

the group will probably be temporary. A group that is formed to express views on a particular issue but has little organizational capacity and usually is not long-lasting is termed an **issue-oriented group** (Pross, 1992).

In contrast, an **institutionalized interest group** such as the Canadian Medical Association has a formal organizational structure, a well-established membership base, paid professional staff, executive officers, and permanent offices. This provides the capability for an institutionalized group to respond to members' interests by developing policy positions and pursuing the goals of the group through regular contact with government policy makers (Pross, 1992). Institutionalized interest groups are typically concerned with promoting their views and proposals on various issues, building their organization for the long term, and developing close working relationships with key government policy makers. Of course, many groups fall between the example of an informal group of neighbours and a well-established institutional group. For example, pro-life and pro-choice groups have successfully developed long-lasting organizations and membership bases.

Peak associations are organizations representing a particular major interest based on a number of related interest groups rather than individual members (Montpetit, 2010). For example, the Canadian Federation of Students consists of about 80 student unions on individual university and college campuses. Indirectly it represents more than 500 000 students. Likewise, the Canadian Federation of Agriculture (www.cfa-fca.ca) is composed of groups representing dairy, chicken, pork, and other farmers as well as provincial agricultural associations.

Canada's federal system has important implications for interest-group organization. Because many decisions are made by provincial governments, interest groups often want to influence provincial governments as well as the federal government. This may involve setting up offices in some or all provincial capitals. Moreover, many interest groups are established as federations of provincial associations. Furthermore, given the distinctiveness of Quebec and the concentration of the francophone population in that province, there is often a special relationship between the Quebec branch of the interest group and the interest group in the rest of the country. In some cases, Quebec has a separate organization that is not part of the national organization. For example, two Quebec teachers' associations (teaching in French and English school boards) are not members of the Canadian Teachers' Federation (www.ctf-fce.ca).

Issue-Oriented Group

A group formed to express views on a particular issue, concern, or grievance but with little organizational capacity and usually not long-lasting.

Institutionalized Interest Group

A group that has a formal organizational structure, a well-established membership base, paid professional staff, executive officers, permanent offices, and the capability to respond to the interests of its members by developing policy positions and promoting them through regular contact with government policy makers.

Peak Associations

Organizations representing a particular major interest based on a number of related interest groups rather than individual members.

Are Interest Groups Responsive to Their Members and Supporters?

Some have questioned the extent to which groups represent the memberships and constituencies on whose behalf they claim to speak. For example, groups may take some political positions that are at odds with the views of the majority of members. Their ability to influence government officials may be compromised if the credibility of the group's leaders in representing their members' political views is questioned. Groups that are led by professional staff generally offer few opportunities for members to influence the group's direction (Young & Everitt, 2004).

Many institutionalized groups have adopted procedures for members to elect a board of directors to oversee the operations of the group, hold an annual meeting, and provide information to members about the organization's activities. Beyond this, member involvement is often limited to paying dues while the professional staff runs the organization with some oversight by the board of directors. Some organizations, such as the Canadian Automobile Association (www.caa.ca) and the Canadian Federation of Independent Business (<https://www.cfib-fcei.ca>), poll their members on issues, while others encourage members and supporters to sign petitions to back their causes. A few interest groups set up local chapters so that members can discuss issues regularly. For example, the Council of Canadians, which claims to be "Canada's largest public advocacy group," features about 60 local chapters pursuing social justice issues such as protection of water resources, fair trade, public health, climate change, and democracy.

Some groups, such as the Canadian Taxpayers Federation (www.taxpayer.com), have "supporters" rather than members (Young & Everitt, 2004), while Greenpeace Canada considers anyone who has donated to the group to be a "member." In such cases, the staff or the leaders of the organization are not directly responsible to supporters, and supporters do not have a formal voice in the group's decisions. Instead, the organization's functioning depends on its ability to raise funds from its supporters for its causes. By purchasing mailing lists and keeping track of past donors, some groups are able to raise substantial amounts of money through direct mailings and email appeals for funds.

The most responsive groups seek the input of their members on key issues and provide opportunities for members to question group leaders about the organization's policies and strategic direction, to set policy, and to elect leaders to the group's executive. Sharp declines in membership or financial support will likely encourage a group to be more responsive to members. However, the need of some groups to devote great efforts to fundraising may detract from their ability to focus on the interests of their members and supporters. Furthermore, appeals used to raise funds do not always reflect the group's major goals. For groups without a formal membership, money is the only mechanism that can make group leaders responsive to supporters.

Why Do People Join Interest Groups?

Pluralist theory assumes that individuals will join with like-minded people to form groups in order to advance their interests, particularly through political action (Smith, 2005). The percentage of Canadians who are part of a group, organization, or association increased slightly, from 61 percent in 2003 to 65 percent in 2013. A significant proportion of Canadians belong or participate in voluntary groups, although organizations that are not primarily political (such as recreational, professional, and religious groups) attract larger numbers of members than parties and other political groups. (See Figure 7-1.) Earlier surveys have found that some types of politically active groups, such as environmental organizations, attract larger memberships than political parties (World Values Survey, 2006).

Figure 7-1 Percentage of Canadians Involved in Groups

SOURCE: Turcotte, M. (2015a). *Civic engagement and political participation in Canada*, p. 5.

Questions have been raised as to why individuals would find it in their interest to join and be active in an interest group. Working from the rational choice perspective, Mancur Olson (1965) noted that individuals acting in their own self-interest may not find it worthwhile to devote time and money to join and be active in a group if they know that they can benefit from the actions of other group members. Why bother to be active in a student organization demanding lower tuition fees if thousands of others will do the work for you? Instead, you can be a **free rider** on their activity. Thus, “rational, self-interested individuals will not act to achieve their common or group interests” (Olson, 1965, p. 2).

In Olson’s analysis, groups will likely form and have the membership needed to pursue collective action in certain specific circumstances. First, coercion may be used to ensure that those benefiting from group action act in their common interest. This is particularly the case where membership is compulsory. Unions, including student unions and associations, generally have compulsory membership, or at least compulsory dues, once a majority of workers or students have voted to form a union. Likewise, to practise many professions, a person must become a member of the professional association. Second, groups that represent the interests of small numbers of individuals or individual companies will find it easier to form and maintain an active membership. In this case, individuals realize that if they do not support the group that aims to represent their interest, the group will fail and they will not gain the benefits they seek. In a small group (particularly one in which members have regular personal contact), peer pressure can help to sustain it. Third, a group may be able to provide some selective incentives to its members that are not available to non-members. For example, many interest groups provide useful information to members and arrange for member discounts on insurance, travel, and other purchases.

Since Olson wrote his book, the number of public interest groups and the size of their membership has increased considerably, and most groups do not have much in the way of exclusive benefits for their members. For example, it has been estimated that between 1500 and 2000 environmental groups exist in Canada (Wilson, 2002). To some extent, people may join an interest group for social reasons, such as the opportunity to attend meetings and interact with others (termed **solidary incentives**). A more compelling reason is the sense of satisfaction that people gain by joining or supporting a group that gives voice to their values or promoting a cause in which they believe (termed **purposive incentives**).

Free Rider

An individual who enjoys the benefits of group action without contributing.

Solidary Incentives

Incentives to join a group for social reasons, such as the opportunities to attend meetings and interact with others.

Purposive Incentives

Incentives to join a group based on the satisfaction that is gained by expressing one’s values or promoting a cause in which one believes.

Overall, Olson's analysis seems hard to sustain in an era in which public interest groups have flourished. However, such groups can face problems in keeping up their membership and support base. While business and professional groups can maintain a strong membership and financial base over time, public interest groups may suffer from sharply fluctuating membership and support, as public interest in particular issues and causes goes through a cycle of ups and downs (Downs, 1972).

Are All Sectors of Society Adequately Represented by Interest Groups?

The growing array of interest groups has meant that almost every interest has one or more groups claiming to represent it. Interest groups have been formed to represent those elements of society that have in the past been marginalized or excluded from politics—for example, Indigenous peoples, women, and the poor. Nevertheless, taking the interest-group system as a whole, some sectors of society are better represented than others. Those with a university education are more likely to join interest groups while younger persons and, to some extent, those with lower incomes are less likely to join. Almost the same proportion of women and men reported membership in interest groups in a 2008 national survey (Young & Everitt, 2010). Business interest groups have always been well represented in Canadian politics, while groups representing the less privileged elements of society often struggle to survive.

Interest groups need money and expertise to be effective. It takes considerable financial resources to keep an organization running smoothly, keep its members informed, and develop the expertise needed to sway policy makers. Public interest groups often have to rely on unpaid volunteers and devote considerable time and resources to fundraising. A Canadian interest group may need to have provincial offices if it wants to affect the many policy areas in which provincial governments play a key role. Furthermore, the bilingual character of Canada means that expensive translation services may be necessary to operate in both official languages. In addition, the increasing use of the courts to advance or protect interests results in expensive legal costs. Indeed, strategic lawsuits against public participation (SLAPPs) have been used by some corporations to intimidate environmental and consumer groups that speak out or take a position on controversial issues. Even if the public interest group wins the court case (e.g., by invoking its right to freedom of expression), it will have expended considerable time, money, and energy to defend itself² (Lott, 2004).

However, Canadian tax laws limit the ability of interest groups to raise funds. If a group wishes to have registered charity status so that it can give donors a deduction on their income tax, the group cannot spend more than 10 percent (or up to 20 percent for charities that have low revenue) of its resources on political advocacy and cannot involve itself in partisan activities³ (Canada Revenue Agency, 2018). Amendments to the Canada Revenue Agency Act have been designed to discourage registered charities from engaging in political activities (even if not partisan) and working against the “national interest” (Pleash, 2012). Indeed, beginning in 2012 the Harper government launched a \$13.4 million program to have the Canada Revenue Agency conduct audits aimed at removing charitable status from groups deemed to be undertaking political advocacy. In particular, environmental, international development, human rights,

² Quebec and Ontario have adopted legislation to try to limit this abuse of the legal process. In 2018, the British Columbia government introduced legislation to discourage SLAPPs.

³ This limitation does not apply to businesses that receive a tax deduction for lobbying government or for paying membership dues to a business association that lobbies government.

and left-wing policy organizations were targeted for audits, while conservative groups and institutes were not targeted (Beeby, 2014, September 15). During the 2015 federal election, the Liberals promised to end what it described as the “political harassment of charities.” In 2018, the Ontario Superior Court of Justice ruled that the 10 percent limit on resources devoted to political advocacy violated the Charter of Rights and Freedoms. In response, the Liberal government said it would amend the Income Tax Act to remove the restriction but planned to challenge the court ruling (Beeby, 2018, August 15).

Government Sponsorship and Support

Prior to the 1960s, Canadian governments generally assumed that interest groups and government should be strictly separate (Pal, 1993). The development and activities of interest groups were considered a private matter, although governments did grant some professional groups (such as doctors and lawyers) the right to regulate their own professions. Governments were also often involved in controversies concerning the right of unions to organize, engage in collective bargaining, and take strike action.

In the mid-1960s, the Canadian government, through the Secretary of State Department, began to provide support and encouragement for official language minority groups as part of its campaign to promote bilingualism (and counter Quebec nationalism). Subsequently, Prime Minister Pierre Trudeau expressed an interest in “participatory democracy” and asserted that “counterweights” were needed to offset the power of the dominant interests (such as business interests) that influenced government policy. As a result, the Canadian government began to encourage and support the development of groups representing various sectors of society and viewpoints that had previously had little or no influence, such as First Nations, equality-seeking women’s organizations, and environmental groups (Pal, 1993). Eventually, most Canadian government departments developed programs to fund interest groups related to their areas of policy making, either in the form of sustaining grants (core funding) or, more typically, grants for specific projects. Indeed, in a few cases, the Canadian government could actually take credit for establishing interest groups. For example, the Canadian government set up the National Council of Welfare in 1962 to advise the government on welfare and poverty issues. However, its small budget was eliminated in the Canadian government’s 2012 budget, and the organization folded.

Providing support for interest groups can be useful to government. Interest groups can be a source of information and policy advice. Government officials may be better able to gain an understanding of the views of an element of society and thereby develop policies less likely to be criticized. Interest groups can also be a channel of communication to the public for government proposals and policies. If an interest group publicly supports the policy and carries the government’s message to its members and to the public, effective criticism of the policy is less likely. Interest groups can also be useful in providing support for the positions of government in international politics. For example, the Canadian Coalition on Acid Rain, supported in part by Environment Canada, played an important role in successfully lobbying the American government (as well as Canadian governments) to reduce emissions causing acid rain (Doern & Conway, 1994).

The involvement of a variety of interest groups in discussing options for government policy on controversial topics can also be useful in developing a consensus among different or conflicting “stakeholders.” In some cases, the stakeholders may agree to take voluntary action (e.g., managing a forest) rather than have government adopt a law or regulation. It can also be a way to defuse criticism and add legitimacy to the final government policy decision. (See Box 7-1: “Talk and Dig”: The Alberta Oil Sands.)

Box 7-1 “Talk and Dig”: The Alberta Oil Sands

Development of Alberta's bitumen-rich sands is highly controversial. On the one hand, it has become a major source of economic growth, royalties, and tax revenues for governments, and it has created many thousands of high-paying jobs. On the other hand, the production of “dirty oil” has serious environmental effects on major rivers and wildlife as well as contributes to the increase in carbon emissions that cause global climate change. Major social issues have also arisen from the influx of workers to communities near the oil sands.

A close relationship developed between the major oil companies and the Alberta government in establishing a variety of policies related to oil sands projects. Other interests were not part of the policy process. However, as the initial projects transformed into a number of massive undertakings, many individuals and groups in Canada, the United States, and elsewhere took strongly critical positions on the developments. In response, the Alberta government set up several multi-stakeholder bodies to involve a larger set of groups in consultations about oil sands policy.

An analysis of the Oil Sands Consultation Advisory Group found that the expansion of consultation to include new actors, including environmental and Indigenous groups, had little effect on the policies adopted. On almost all issues government and

industry were in agreement. A consensus could not be reached on issues raised by other groups, such as capping emissions, limiting the amount of land that could be disturbed, and water conservation. Thus, important issues were not effectively dealt with (Hoberg & Phillips, 2011). Likewise a non-governmental multi-stakeholder group examining the cumulative effects of the large number of developments did not affect the decision of regulatory bodies to approve more oil sands projects. However, a report from a multi-stakeholder committee that recommended the need for improved infrastructure to support oil sands development resulted in the Alberta government committing to spend substantial sums of money on health care, water treatment, and affordable housing for the local communities where the oil sands were being developed, along with a much smaller amount for agencies dealing with environmental impacts (Hoberg & Phillips, 2011).

The inclusion of environmental and Indigenous groups in developing policy recommendations appears to have been intended to increase the legitimacy of the policy process. But consultation did not change the basic structure of power dominated by government and the oil industry. Instead, it was a strategy of “talk and dig” (Hoberg & Phillips, 2011, p. 524). In the end, the frustrated environmental groups ended their participation in the multi-stakeholder processes.

Interest groups can also be useful for particular departments and agencies. An interest group may further departmental objectives by mobilizing public support for more resources and by supporting the efforts of that department to be considered a higher policy priority. For example, the Conference of Defence Associations (cdacanada.ca), which promotes the need for greater military spending, receives \$100,000 a year from the Department of National Defence (Taylor, 2012). As governments seek to reduce their program spending and balance their budgets, various groups have been encouraged to undertake activities that had previously been carried out by government.

However, providing support to interest groups carries the risk to government of mobilizing the demands, grievances, and criticisms of various segments of society. Some interest groups are reluctant to accept compromises to their basic values and thus tend to be critical of government policies. Equality-seeking groups, for example, have often criticized what they consider to be very limited measures to improve the situation of disadvantaged members of society.

Government funding of interest groups has been controversial. Critics argue that governments should not be funding “special interests” that may be demanding benefits that increase the costs of government and increase the role of government in the society and economy. Criticisms have also been raised about the choice of groups that have received funding. In the past, the Canadian government awarded substantial funding to the National Action Committee on the Status of Women (NAC), which represented a large number of women's groups, while usually denying funding to REAL Women, a conservative anti-feminist group that promotes traditional family values. However, as NAC became more confrontational in its relations with government, its funding was reduced. The Harper government eliminated core funding to NAC (and a number of other advocacy groups). Without regular government funding, and weakened by

internal divisions related to differences concerning race, ethnicity, and sexual orientation, the once-influential NAC faded from the political scene (Dobrowolsky, 2008).

Overall, state-centred theory points out that interest groups are not necessarily an autonomous product of concerns among different interests in society. Governments have, at times, encouraged and supported the development of interest groups and included them in the policy process. In some cases, interest groups have been involved in promoting or carrying out the agenda of government and have been used by some departments of government in their struggles with other government departments. The danger for interest groups is that they may lose their outspokenness if they depend too heavily on government for financing.

With government funding for most interest groups (including consumer-based advocacy groups) reduced or eliminated in recent decades, interest groups have had to devote much effort to fundraising and writing proposals for specific grants. In the health care field, major drug companies have provided grants and sought partnerships with organizations such as the Canadian Cancer Society, Canadian Diabetes Association, and the Heart and Stroke Foundation. Whether this support is simply charitable or whether pharmaceutical companies seek to gain support for weaker drug regulation, less rigorous safety standards, speedier approval of new drugs, or longer drug patent protection against generic drugs is unclear (Batt, 2005).

Influencing Public Policy

7.2a Assess the ability of interest groups to influence public policy.

7.2b Discuss whether lobbying should be strictly regulated.

Interest groups can try to affect the policies that governments develop and implement in many ways. The most effective way is to directly influence those responsible for developing public policies. It is generally thought that “getting in on the ground floor”—that is, exerting influence at the early stage of developing a policy—is most effective. At this stage, government officials may be looking for information about a problem and examining possible alternatives. An interest group that can interact with key policy developers, typically within the public service, may be able to supply the information and policy ideas that will be considered.

Influencing a cabinet minister who is responsible for the relevant policy area can also be useful because the minister will likely encourage or instruct departmental personnel to give priority to a particular problem and set out the goals to be achieved. As well, the minister will be involved in assessing the alternative policies that may be provided by public servants and will present recommendations to the relevant cabinet committee and, if necessary, to the cabinet as a whole. Even so, influencing departmental policy developers and persuading the cabinet minister who heads the department may not be enough to achieve the interest group’s objectives. Various central agencies (such as the Privy Council Office and the Prime Minister’s Office) play a key role in determining what government does. In addition, the prime minister, along with the central agencies, sets the overall direction of the government. Access to the prime minister is tightly controlled, however, and central agencies are less open to influence than departments.

Generally, interest groups receive a more sympathetic hearing, and will find it easier to develop a close working relationship with key people, in the department that most closely matches their interests. Although public servants are often thought to be insensitive to political considerations and thus largely free of outside influence, this is not entirely the case. As noted above, public servants often value contact with key interest groups because such groups provide information and ideas that can be useful

Policy Community

Collaboration of government officials responsible for a particular policy area and relevant institutionalized interest groups in developing public policies.

in developing policy proposals. By interacting with people representing major interests, public servants can benefit in several ways. They can gauge the potential reaction to new policies and try to avoid potential criticism from these interests by involving them in the formulation of policies. As well, consultation with major interest groups can add legitimacy to government decisions.

Political scientists have found that public policies can be developed through the collaboration of a **policy community**⁴ of government officials responsible for a particular policy area and relevant institutionalized interest groups (Coleman & Skogstad, 1990; Pross, 1992). In this situation, interest groups not only promote the interests of their members but also draw on their information and expertise to engage in deliberation with groups representing different interests and with government officials to develop policies acceptable to the policy community (Montpetit, 2004).

Advisory Councils and “Think Tanks”

In some cases, the interactions between interest groups and key policy makers have been formalized through the establishment of advisory councils and committees that include representatives of those interest groups or individuals that the government department or agency considers important. Royal commissions and government task forces that are set up to examine issue areas and make recommendations often include people associated with various interests. Some royal commissions, such as the ones on bilingualism and biculturalism (1963–1967) and the status of women (1967–1970), had important long-term effects on public attitudes and government policy.

Governments have also established or funded various organizations that provide independent policy advice as an alternative to the advice provided by powerful self-interest groups. However, in 1992, Brian Mulroney’s Progressive Conservative government eliminated five such organizations that operate at “arm’s length” from government, including the Economic Council of Canada, the Science Council, and the Law Reform Commission. Likewise, the Chrétien Liberal government closed the Canadian Advisory Council on the Status of Women in 1995⁵ and some other advisory organizations. In the 2012 budget, the Harper Conservative government announced the cancellation of funding for the National Round Table on the Environment and the Economy, the National Council of Welfare, the First Nations Statistical Institute, and the Rights and Democracy agency.

With many independent policy advisory bodies no longer in existence, “think tanks,” many of which promote the interests of their wealthy corporate backers, have become an important source of policy research and advice.

Interest groups often take part in the public consultations organized by the Canadian government to discuss various proposals. However, if government has already committed itself to a proposed policy, it appears unlikely that interest group representation will result in major changes to the proposal. Convincing the government to change its mind often takes strong action and the support of a variety of interests.

Members of Parliament

The most powerful institutionalized interest groups generally do not devote a great deal of attention to influencing ordinary Members of Parliament (MPs). MPs play a limited role in policy development; instead, they are involved primarily in the passage of legislation presented to Parliament by the government, although they do propose modifications to legislative proposals in House of Commons

⁴ Policy communities are also often referred to as policy networks, with policy communities sometimes analyzed as a particular type of policy network.

⁵ Some provincial governments have continued to maintain their own advisory councils on the status of women.

committees. Parliamentary committee members do involve themselves, to some degree, in developing policy recommendations that are, on occasion, picked up by policy makers in government. However, party discipline restricts the ability of individual MPs or groups of MPs to take an independent role in policy making. John Bulloch, founder of the Canadian Federation of Independent Business, noted that he was initially “very naive” in trying to influence MPs but came to the conclusion that it was generally a waste of time “to talk to people who have no influence” (quoted in Pross, 1992).

Nevertheless, interest groups do present their cases to MPs and participate in the public hearings of parliamentary committees. As well, there have been situations in which influencing MPs has proven effective. For example, in 1996 the Insurance Bureau of Canada (an interest group representing insurance companies) successfully mounted a campaign against allowing the major banks to enter the insurance business. By mobilizing insurance agents in each electoral district to contact their MP, the Insurance Bureau was able to convince the governing Liberal party caucus to oppose the plan promoted by the Canadian Bankers Association (Clancy, 2008). Because the big banks are unpopular among the public, it was in the political interests of the Liberal caucus, prime minister, and finance minister to go against the wishes of the banks (Havro, 2004). Likewise, in 2009, Canada’s 33 000 insurance agents successfully lobbied MPs, particularly those of the governing Conservative party, to prevent banks from marketing insurance policies on their websites (Chase & Perkins, 2009). For more information about these issues visit the Insurance Bureau of Canada (www.ibc.ca) and the Canadian Bankers Association (www.cba.ca).

Influencing the Public

Interest groups often take their case to the public as an indirect way of influencing government. They may get the word out through press releases, advertising, websites, social media, and participation in public forums. Electronic petitions and mass emails to politicians may be used to show that a group enjoys substantial support for its positions on particular issues. Public interest groups, in particular, sometimes use protest techniques to attract media attention. More than most, Greenpeace is known for its dramatic protest activities. For example, in July 2009, Greenpeace activists chained themselves to the front door of the Quebec Ministry



Michael Wheatley/Alamy Stock Photo

Indigenous and environmental groups took their boats and canoes on the waters near the Kinder Morgan tanker terminal in Burnaby, British Columbia, to protest the Trans Mountain pipeline expansion.

of Natural Resources, set up a banner proclaiming “Boreal Forest: The Destruction Starts Here,” and dumped a load of lumber at the building’s entrance. Similarly, President Obama was greeted on his first visit to Ottawa with large Greenpeace banners on the Alexandra Bridge: “Welcome President Obama” and “Climate Leaders Don’t Buy Tar Sands.”

Public techniques are often the only way of trying to influence public policy for the many groups that lack effective access to policy makers. However, institutionalized groups influential in the policy process sometimes also take their case to the public to try to counter the influence of other groups in the public eye and to try to demonstrate to politicians that they have public support. For example, in 2012, the Canadian Association of Petroleum Producers mounted an extensive multimedia advertising campaign featuring pictures of clean lakes and forests to counter criticism of oil sands development. It has also developed a variety of classroom resources, including the Energy in Action program for Grades 4 and 5 students, emphasizing the importance of oil and gas resources and environmental stewardship.

Political Parties and Elections

Canadian interest groups generally avoid direct involvement in political parties. Interest groups hope to influence whichever political party is in power, and thus most interest groups do not want to be perceived as being “in bed” with one political party. A key exception is the Canadian Labour Congress (CLC), which was involved in the formation of the New Democratic Party. Although the Canadian Labour Congress is not formally affiliated with the New Democratic Party, many individual CLC unions are affiliated with the New Democratic Party. The relationship between labour unions and the New Democratic Party is not always harmonious. For example, Buzz Hargrove, then president of the Canadian Auto Workers Union (CAW), was expelled from the New Democratic Party after he publicly advised CAW members to vote for the Liberal candidates in districts where the New Democratic Party had little chance of winning in the 2006 election, and he appeared to publicly endorse Liberal leader Paul Martin. After his expulsion, the CAW ended its affiliation with the New Democratic Party. Instead it supported individual New Democratic Party and Liberal candidates (as well as the Green party leader) in the 2008 and 2011 elections. Likewise Unifor, the largest private sector union formed through the amalgamation of the CAW with the Communications, Energy, and Paperworkers Union in 2013, decided to encourage its 305 000 members to vote strategically in the 2015 election to defeat the Conservative government. This involved voting for the New Democratic Party or Liberal candidate in each district who had the best chance of being elected.

Interest groups are banned (along with corporations and unions) from making direct financial contributions to political parties. Nevertheless, advocacy groups have become more active in trying to influence the outcome of elections by spending money before and during election campaigns. During the marathon 2015 election campaign, more than a hundred groups, many of them progressive groups advocating strategic voting to defeat the Harper Conservatives, spent more than \$6 million (Bryden, 2016, April 1). While there are limits on how much interest groups and other so-called third parties (e.g., corporations and unions) can spend during a campaign, none exist during the pre-election period. In 2018, the Liberal government introduced legislation proposing to place a \$1 million cap on third-party political advertising between June 30 and the start of the official campaign period in years with a fixed election date.

Legal Action

Increasingly, interest groups have used legal action to promote their causes. Indigenous groups have made major advances over time through gaining legal recognition of Indigenous rights. Women’s groups have challenged a range of laws and policies that

they view as violating the protection of female–male equality entrenched in the Charter of Rights and Freedoms. Gay and lesbian groups have used the courts to gain the same rights and benefits for same-sex couples as heterosexual couples. And environmental groups have, at times, forced reluctant governments to undertake some environmental reviews of projects in accordance with environmental laws and regulations. Overall, however, corporate interests have been the largest users of the court system to pursue their agendas (Hein, 2000).

In addition to initiating legal actions, interest groups frequently present briefs in cases before higher-level courts. For example, in 2006 non-governmental interveners participated in over two-fifths of the cases heard by the Supreme Court of Canada. Particularly active as interveners have been the Women’s Legal Education and Action Fund (LEAF) and the Canadian Civil Liberties Association (CCLA), although many other groups have also presented briefs to the Supreme Court (Hausegger, Hennigar, & Riddell, 2015). Visit LEAF (www.leaf.ca) and the CCLA (www.ccla.ca) for more information.

A drawback of using the courts to pursue group causes is the high cost of legal action. To help, in 1978 the Canadian government established the **Court Challenges Program**, which provided some money for individuals and groups seeking to challenge Canadian laws and government actions that violated the equality rights of historically disadvantaged groups and the rights of official language minorities. The Conservative government shut down this program in 2006,⁶ but it was reinstated by the Liberal government in 2017, with an expanded mandate to fund challenges related to life, liberty, and security.

Court Challenges Program

A federal government program that provided some money for individuals and groups seeking to challenge Canadian laws and government actions that violate equality rights and minority language rights.

The Potential for Successful Influence

Interest groups vary considerably in their potential ability to influence public policy. Well-financed groups can hire qualified and knowledgeable people or firms that can monitor government activities, provide detailed policy analyses and proposals, develop ongoing relationships with key government officials, maintain an effective organization, and mount public relations campaigns.

Group members can be useful in persuading politicians and government officials to consider the policies the group is advocating. What matters here is not only the number of members but also the group’s ability to mobilize members in support of its positions. Credibility is also important. For example, professional associations, such as the Canadian Medical Association and the Canadian Bar Association, are usually taken seriously when they speak out on issues related to their profession.

A group’s success in influencing government is also affected by its ability to develop close relationships with key officials. It is important for a group to be viewed as the legitimate representative of a particular element of society. If other groups claim to represent the same interest and put forward different policy proposals, the group’s influence may be undermined.

It is not only the resources and capabilities of an interest group that matter. The governing political party is much more likely to listen to proposals from a group whose perspective is similar to its own and whose proposals fit in with the government’s agenda and plans. For example, environmentalist and feminist groups found it very difficult to influence Stephen Harper’s Conservative government.

For groups that have trouble gaining effective access to policy makers, attracting the attention of the media and receiving favourable coverage for their cause

⁶ In 2008, the Canadian government established the Language Rights Support Program to clarify and advance the constitutional rights of official language minorities and provide some financial assistance to resolve disputes.

is important. Groups that cultivate relationships with sympathizers in the media can sometimes gain free publicity for their views. However, the media generally focus on dramatic events, particularly those that have a strong visual component for television. This can make it difficult for a group to explain its viewpoint and proposals.

Finally, if a group can form coalitions with other groups to advance its causes, particularly groups representing different interests or different elements of the population, it can be very useful in successfully influencing policy makers. By gaining support from other groups, the interest group may no longer appear to be pursuing benefits only for its own members or reflecting a particular point of view. For example, in 1995, the Canadian Federation of Students successfully challenged the government's proposed income contingent repayment plan for student loans. By building a coalition of support from a variety of interest groups (including those representing seniors, women, labour, and poor people), as well as mounting a "National Day of Strike and Action," the federation was able to demonstrate widespread support for its cause (Temelini, 2008).

Overall, business groups have a particularly strong ability to influence public policy, not only because of the resources at their disposal but also because of their ability to make the case that the policies they advocate (such as lower taxes, less regulation, and free trade) are essential for a prosperous economy and for remaining competitive in a globalized marketplace. Nevertheless, other groups have been able to persuade governments to provide a variety of social programs, often over the objections of business interests. Many Canadians do not have a positive view of "big business," and thus its interests have, at times, been successfully challenged. For example, in 1998, the Council of Canadians successfully mobilized opposition to defeat the government's plan, backed by big business, to ratify the Multilateral Agreement on Investment, which the council argued would enhance the power of large multinational corporations. In addition, politicians need to be responsive to various social interests if they are to succeed in their political careers. Even though governments do not always act as the majority of people want and do not always act in keeping with the wishes of many interest groups, it would be misleading to assume that Canadian governments ignore interest groups or that business interests always prevail (Young & Everitt, 2004).

Lobbyists

Lobbying

An effort to influence government decisions, particularly through direct personal communication with key government decision makers.

Lobbying has been defined as "the practice of communication, usually privately, with government officials to try to influence a government decision" (Young & Everitt, 2004, p. 88). The term originated from the historic practice (by those seeking benefits from government for themselves or for the members of the group they represent) of contacting MPs in the lobby of the British House of Commons.

The practice of lobbying has become professionalized. Many institutionalized interest groups and business corporations employ people who specialize in developing contacts within government and can represent the interests of their group or corporation. In addition, a number of companies (as well as individuals) provide lobbying services for a hefty fee. These services include trying to persuade government officials on a particular topic and monitoring government activities that may affect an interest group or corporation. Moreover, lobbyists typically provide advice on whom to contact in government, what approach to take if the group or corporation wishes to lobby itself, and how to win public support for the group and the positions it wishes to promote. In 2017–2018, about 9000 lobbyists were listed in the Registry of Lobbyists, a source of information about who is lobbying federal public office holders and about which topics (Office of the Commissioner of Lobbying of Canada, 2018).

Many professional lobbyists have held important positions in government or have been key political “insiders” who have a close relationship with important political figures. There is often a “revolving door” between those working in senior government positions, industry, and the lobbying sector. For example, Marlene Floyd, Prime Minister Justin Trudeau’s former director of operations and outreach, was appointed national director of corporate affairs for Microsoft Canada. Her duties include lobbying the federal government on behalf of the Internet giant (Pilioci, 2018, May 6). Upon leaving government, Jason MacDonald (former Prime Minister Harper’s director of communications) was appointed vice-president of a leading lobbying firm, while Rob Nicol (a lobbyist for Canadian Tire) became Harper’s new director of communications (Maher, 2015). Although the Accountability Act places some limitations on the lobbying activities of former government officials, this does not prevent them from making use of the knowledge and contacts they obtained in government.

While maintaining contacts with key people in government is still a central feature of successful influence, lobbying companies have increasingly broadened their activities to include advertising, social media, public opinion analysis, relationship-building with stakeholders and communities, and public engagement. This can help build a stronger case to politicians and counter opposition to their policy positions.

Lobbying activities have frequently aroused suspicion and sparked debate. (See Box 7-2: F-35 Stealth Fighters: Keeping Parliament and the Public in the Dark.) Treating government officials and politicians to expensive dinners and inviting them on expense-paid holidays can create the impression of unfair or illegal influence. The “sponsorship scandal” that contributed to the defeat of the Liberal government in 2006 included evidence that advertising agencies connected to the Liberal party had paid

Box 7-2 F-35 Stealth Fighters: Keeping Parliament and the Public in the Dark

In 2010, the Canadian government signed a memorandum of understanding to purchase 65 American F-35 single-engine stealth fighter jets to replace Canada’s aging CF-18s. Defence Minister Peter MacKay told Parliament that the cost of the jets would be \$9 billion, and the Department of National Defence (DND) said that the jets, including their full operating costs over 20 years, would cost \$14.7 billion. Two years later, Canada’s auditor general, Michael Ferguson, reported that the DND’s internal estimates (which were not reported to Parliament) had been \$25 billion for the full operating costs of the 65 jets (Office of the Auditor General of Canada, 2012). Defence Minister MacKay claimed that the \$10 billion difference was simply an “accounting error” (Stechyson, 2012).

In his report and in media interviews, Ferguson was strongly critical of the DND’s handling of the military purchase and its failure to respond to Parliament’s repeated requests for the full cost of the jets (Payton, 2012). Unlike most government purchases, there was no competitive bidding for the purchase of fighter jets, and the DND did not take due diligence in choosing the single-engine jets. Furthermore, while Prime Minister Harper promoted the F-35s as creating thousands of jobs across Canada, the reality was that there were, unlike with other major military purchases, no guarantees that there would be benefits to Canadian industries, such as contracts

related to the maintenance of the jets. Instead, Canada would have to compete with other countries for such contracts.

The auditor general noted that the rush to announce the deal in 2010 was “partly in response to pressure from the industry.” To pursue the contract, Lockheed Martin, the primary contractor, used two lobbying firms: CFN Consultants, a specialist in lobbying for military purchases, and Prospectus Associates, lobbyists with strong connections to Defence Minister MacKay and the Conservative party. Other industries that would benefit from the F-35 purchase also lobbied the government.

Was industry lobbying on behalf of the F-35s a major influence on the government’s decision to purchase the jets, or was it the eagerness of the DND to have the most advanced fighter jets? Determining what influences government decisions is not an easy task. However, with the public and parliamentarians kept in the dark about the full costs in this case, informed public discussion of a major government decision was stifled.

The Liberal government came to power in 2015 with the promise of a new and more competitive bidding process to replace the aging CF-18s, adding a new requirement to the procurement process that assesses a company’s overall impact on the Canadian economy.

lobbyists to seek contracts for which little work was actually done.⁷ In return, substantial sums of money were given to those involved in the Quebec branch of the Liberal Party of Canada.

Seeking selective benefits from government behind closed doors raises questions about whether the public interest is being ignored. Prime Minister Justin Trudeau was criticized by the opposition parties for so-called “cash-for-access” fundraisers, where wealthy entrepreneurs and community leaders could rub shoulders with Trudeau or influential cabinet ministers at private functions in exchange for a \$1500 donation to the party. Critics argued that these events violated the prime minister’s own guide for ministers, which says that “there should be no preferential access to government, or appearance of preferential access, accorded to individuals or organizations because they have made financial contributions to politicians and political parties” (Wherry, 2016). In the wake of the controversy, legislation was passed in 2018 requiring political parties to publicly advertise fundraising events attended by ministers, party leaders, or leadership candidates where a contribution of more than \$200 is required in order to attend, and to release a report about the details of the event.

The practice of senior public officials and cabinet ministers of leaving government and becoming employed as lobbyists also creates legitimate concerns. Not only do such people enjoy unfair advantages in influencing their former colleagues, but also their decisions while in public office might be influenced by the hopes for subsequent employment or contracts. For example, shortly after he stepped down as prime minister in 1993, Brian Mulroney received three cash payments totalling at least \$225 000 from lobbyist Karlheinz Schreiber. Mulroney eventually admitted that he received money from Schreiber, including an envelope containing \$100 000 in cash that he pocketed in a New York City hotel room. Accusations were made that the money related to lobbying efforts to persuade Air Canada (then a Crown corporation) to purchase Airbus jets. Mulroney claimed that he had accepted the money to help Schreiber (convicted of tax evasion in Europe) to promote the sale of German armoured vehicles to foreign governments.

Lobbyist Regulation

Efforts have been made to make the process of lobbying more transparent. In particular, the Lobbying Act, 2008, requires that those who are paid to communicate with government officials on policy, program, financial, or contract matters or who arrange a meeting with a public office are required to file reports indicating the following:

- on whose behalf they are acting
- the name of the department or other government institution that they are communicating with
- the subject matter of the communication

As well, paid lobbyists who ask the public to communicate directly with public officeholders must file reports on this activity. Lobbyists are not allowed to receive contingency payments from their clients based on the outcome of their persuasive efforts. In addition, cabinet ministers, their staff, top public servants (such as deputy ministers and assistant deputy ministers), and MPs and senators are forbidden to act as paid lobbyists for five years after leaving office. However, they can lobby on behalf of a corporation, if lobbying makes up less than 20 percent of their work. The Lobbying Act is overseen by a commissioner of lobbying, an officer of Parliament.

⁷ The sponsorship program, initiated after Quebec’s 1995 sovereignty referendum, was intended to promote Canadian unity at various Quebec events.

The Lobbying Act makes the commissioner responsible for developing a code of conduct for lobbyists and allows the commissioner to grant exceptions to the rules in certain circumstances.

Although the Lobbying Act is stricter than previous laws, the public interest group, Democracy Watch (www.democracywatch.ca), has pointed out that some loopholes still exist (2011). For example, unpaid lobbyists and lobbyists who spend less than 20 percent of their time lobbying on behalf of corporations are not required to register as lobbyists. Only arranged communications (in writing or orally) have to be reported. Lobbyists can also take leading positions in the election campaigns of political parties. The enforcement of the Lobbying Act is difficult because politicians and public officials being lobbied are not required to report when they have been lobbied. Indeed, there have been very few prosecutions to date for violating the Lobbying Act.

Social Movements

7.3 Discuss the growth, tactics, and significance of social movements.

A **social movement** can be thought of as a network of groups and individuals that seek major social and political changes, particularly by acting outside established political institutions (Martell, 1994). It is not always easy to distinguish between interest groups and organizations based on social movements. However, interest groups tend to focus on affecting a range of specific public policies. In contrast, social movements embrace broader goals, such as challenging and transforming the values, power relationships, and institutions of society and politics. For example, the environmental movement is not concerned only with spurring government to act on environmental problems. It also aims to persuade individuals to change their lifestyles and relationship to nature and to convince businesses to change their practices to reduce their impact on the natural environment. Likewise, the women's movement has challenged traditional male–female relationships and tried to raise women's consciousness, pride, and assertiveness. Similarly, the gay and lesbian movement has sought to forge a sense of collective identity and solidarity among those of different sexual orientations. Nevertheless, social movements have stimulated the formation of many public interest groups.

Social movements have played an important role in Canadian politics. For example, the women's suffrage movement that began in the late nineteenth century eventually succeeded in achieving the right of women to vote and hold public office, as well as changing laws that gave women an inferior legal status. Its tactics included circulating petitions as well as holding mock parliamentary debates to illustrate the political competence of women. The Canadian suffrage movement had connections to other influential early social movements, such as the temperance movement (which promoted abstinence from alcoholic beverages and advocated banning the making and sale of alcohol) and the social purity movement (which emphasized traditional moral and family values) (Smith, 2005). Likewise, the farmers' and labour movements have had considerable importance in Canadian politics and society.

New Social Movements

Beginning in the late 1960s, a number of social movements developed in Canada and other countries. Among these **new social movements** were the women's movement, the environmental movement, the Indigenous movement, the gay and lesbian rights movement, and the animal rights movement. Many Canadians have also been

Social Movement

A network of groups and individuals that seek major social and political changes, particularly by acting outside of established political institutions.

New Social Movements

Social movements that emphasize the development of a shared collective identity among their supporters and accentuate non-materialistic concerns about quality of life, lifestyle, equality, or human rights issues.

involved in the global social justice movement (often labelled the “anti-globalization” movement) and the “Occupy” movement. These new movements tend to have different goals, values, and participants and more informal organizational structures than earlier social movements. Reflecting the shift toward post-materialism, discussed in Chapter 5, the newer movements promote the development of a shared collective identity among their supporters and accentuate non-materialistic issues based on quality of life, lifestyle, equality, or human rights concerns (Melucci, 1988). The environmental movement, for example, has challenged the ways in which we consider the relationships among economy, society, and nature.

New social movements have tended to avoid involvement with conventional political institutions such as political parties. Because those involved in new social movements have often criticized the hierarchy, bureaucracy, and power politics of conventional political organizations, they have sought to create an alternative—more informal organizations or networks based on grassroots participation by those who share the movement’s goals. Indeed, the Occupy movement lacked both leaders and organization. This trend, along with the exclusion of new social-movement activists from the policy-making process, has meant that protest activities have served as important tools for new social movements to draw attention to their causes.

Many new social movements have used various social media channels to diffuse information and powerful images that counter the influence of conventional media (Della Porta & Mosca, 2005) and to mobilize people to engage in online and offline political activism (Ray & Tarafdar, 2017). Twitter, Facebook, and other channels were used extensively by the #MeToo movement (chapter-opening vignette) and Occupy to raise awareness about their issues and organize protest activities. In just a few years, Black Lives Matter grew from a hashtag to a powerful movement in the United States and Canada that regularly holds demonstrations on police killings of Black people and broader issues such as **racial profiling** and racial inequality.

Included in the repertoire of some new social movements has been **civil disobedience**—deliberately and publicly breaking the law to draw attention to injustice. (See Box 7-3: Save Our Forest: Civil Disobedience). Taking their cue from the successful use of non-violent civil disobedience by the civil rights movement in the United States in the 1960s, Indigenous groups have used civil disobedience to blockade highways and rail lines to bolster their claims to lands that they view as having been unjustly taken from them; women’s groups have organized sit-ins at government

Racial profiling

Any action undertaken for reasons of safety, security, or public protection that relies on assumptions about race, colour, ethnicity, ancestry, religion, or place of origin rather than on reasonable suspicion to single out an individual for greater scrutiny or differential treatment (Canada Race Relations Foundation, 2015).

Civil Disobedience

The deliberate and public breaking of a law to draw attention to injustice.

Black Lives Matter protesters gather in front of Toronto police headquarters after a police officer was cleared of any wrongdoing in the shooting death of Andrew Loku.



Chris So/ZUMA Press/Newscom

Box 7-3 Save Our Forest: Civil Disobedience

In 1993, protesters at Clayoquot Sound on Vancouver Island stood in front of logging trucks every morning for several months to block loggers from entering the old-growth forest—this despite a court injunction banning the action.

As early as 1979, residents of Tofino, British Columbia, had begun to protest against clear-cut logging of the old-growth forests at Clayoquot Sound. Yet, in 1993 the British Columbia government decided to allow MacMillan Bloedel, a major forestry company, to raze over half the forest. The protesters who gathered in response came from various elements of the environmental movement. About 12,000 people were involved overall, and 857 protesters were arrested, with some sentenced to 45 days in jail and \$1,500 in fines. The protest attracted global attention, with Hollywood celebrities such as Barbra Streisand, Robert Redford, Martin Sheen, and Oliver Stone supporting the action and the Australian band Midnight Oil putting on a concert at the protest camp (Bantjes, 2007).

Environmental groups such as Greenpeace, the Rainforest Action Network, and the Sierra Club launched a boycott of companies selling products made from the old-growth forests

of British Columbia. The boycott's success eventually persuaded MacMillan Bloedel to agree to a compromise involving a joint venture with the local Nuu-chah-nulth First Nations to harvest parts of the old-growth forest in a more ecologically sound manner. Later MacMillan Bloedel withdrew, and in 2008 the First Nations Isaak Forest Resources Ltd. became the sole owner of timber rights after buying Weyerhaeuser's 49 percent share. Isaak (which means "respect") adopted the strict environmental and social standards of the Forest Stewardship Council. However, the burden of debt has posed difficult financial challenges (Bunsha, 2013), and Isaak applied for a permit to cut old-growth forest on Flores Island (Sierra Club BC, 2012).

The blockade at Clayoquot Sound was one of the largest acts of civil disobedience in Canadian history. Groups involved in the environmental movement succeeded in raising public awareness about threats to old-growth forests and pressuring companies and governments to change forest management practices. However, the future of Canada's old-growth forests remains uncertain.

offices to protest cutbacks to women's programs; and anti-poverty groups have jammed traffic in Toronto's financial district.

Although civil disobedience is usually non-violent, clashes between protesters and police or between protesters and affected members of the public have occurred in some cases. Because protests may involve a range of groups and individuals without a disciplined organization, some individuals and small groups that prefer throwing stones at police, smashing windows, and other violent acts have drawn attention away from the message of the protest. For example, during the G20 protests in Toronto in 2010, small groups of masked "Black Bloc" anarchists smashed business windows and torched police cars. This served to divert attention away from the messages of the much larger number of protesters, provided an excuse for the security forces to



A police officer watches as animal rights activists protest a Rib Festival event.

Toronto/ian/Alamy Stock Photo

arrest a substantial number of protesters not involved in the violence, and allowed the Canadian government to defend spending close to \$1 billion on security measures for the G20 summit in downtown Toronto.

Although it is often small groups within a movement that initiate violence, there have been occasions where police or security forces have used force to disperse peaceful protests. For example, some of those peacefully protesting the presence of the Indonesian dictator at the 1997 Asia-Pacific Economic Cooperation summit held on the University of British Columbia campus were pepper sprayed by the RCMP. Indeed, *agents provocateurs* have sometimes been used to make it appear as if protests were violent. For example, when protesters congregated at Montebello, Quebec, in 2007, where the Canadian prime minister and the American and Mexican presidents were discussing the Security and Prosperity Partnership, three young men whose faces were covered joined the protest carrying rocks. When the men refused a demand from protest organizers to uncover themselves, they pushed through the police line and were “arrested.” However, a video posted on YouTube and broadcast on television revealed that the three “protesters” were wearing the same boots as the police! The Sûreté du Québec (Quebec’s provincial police) then admitted that the three “protesters” were in fact police officers—although it denied they were trying to instigate violence.

The distinction between old and new social movements is sometimes exaggerated. Some of the old social movements used various means of protest, including civil disobedience, and some tried to avoid rigid organizational structures. Some early Canadian social movements, such as the temperance and moral purity movements, were middle-class movements focused on values and lifestyles, albeit of a traditional, conventional nature. Moreover, some new social movements, such as the Indigenous and women’s movement, are also concerned about materialist goals such as employment and social programs as well as seeking recognition for their identities.

As new social movements mature, more conventional public interest groups have been formed to pursue their causes. Such groups have a better chance of influencing specific policies while potentially alienating the more idealistic movement activists. For example, most of the larger organizations associated with the Canadian environmental movement have become institutionalized interest groups with professional staff and a conventional organizational structure. This has allowed them to become a regular part of the policy communities that interact with government officials, business, and other interest groups in policy development.⁸ However, some groups, such as Greenpeace, have resisted becoming a conventional interest group. While some criticize the more “radical” groups for giving the environmental movement a negative image, such groups can be useful in encouraging government to work with the more “moderate” groups. Also, the radical groups are more likely to be able to mobilize activists in support of the cause, keep issues in the public eye, and prevent moderate groups from straying too far and compromising the movement’s goals.

Although the new social movements have not achieved all their goals, they have affected Canadian politics. In particular, they have raised awareness of important problems and issues such as climate change, the inequalities between women and men, and the rights of Indigenous peoples that have often been ignored. Even if effective policies to deal with many of the issues raised by the new social movements are often still lacking, there has been increased recognition that these issues are important and need to be resolved.

⁸ However, even moderate environmental groups were ignored by the Harper government and generally excluded from participation in environmental reviews (McCarthy, 2012b).

Summary and Conclusion

Interest groups offer an important way for people to try to influence public policies. Well-organized groups that cultivate ongoing relationships with key policy makers are most likely to influence government decisions. Nevertheless, groups not involved in the policy-making process may be able to make a difference if they can mobilize strong public support behind their cause and win the support of other influential groups.

From the perspective of pluralist theory, the growth of interest groups representing a variety of interests and causes suggests that the decisions and policies adopted by governments are likely to reflect the diverse interests of Canadians rather than the interests of a small group of powerful people inside or outside government. Critics of pluralist theory argue that business interests, because of their economic clout, continue to have a privileged position from which to influence government despite the development of many groups representing other interests.

Governments do not simply respond to the pressures placed on them. Whether as a result of their view of what is in the public interest, a calculation of what is needed to win the next election, or a desire to maintain their power in federal–provincial or international relations, governments do, at times, adopt policies that cannot be explained in terms of interest group pressures.

Interest groups are sometimes viewed as a threat to democracy and good government. Because many interest groups pursue the selective interests of their members or of one narrow segment of society, there is a risk that powerful interest groups could achieve benefits for some elements of society at the expense of the general public interest.

However, the development of groups representing diverse interests and ideas can be viewed as a positive feature of political life. Deliberations involving government officials and groups with a variety of different

perspectives may result in a better understanding of problems and consideration of a broader range of solutions (Montpetit, 2010). The development of public interest groups has provided increased opportunities for public involvement in the political process and enhanced public discussion of policy issues. Thus, interest groups are an important component of democracy.

Although interest groups representing disadvantaged elements of society have been established, their ability to influence policy makers is limited. Cutbacks in government funding for equality-seeking groups add to the imbalance of influence and make the quest for a fully democratic society more difficult.

The activities of lobbyists tend to advance the interests of large corporations and some well-funded interest groups. Despite the passage of laws regulating lobbyists, their activities will likely continue to raise concerns about unfair influence, secret backroom deals, and the need for greater transparency in the policy-making process.

Social movements may be viewed as enhancing the quality of democracy by mobilizing large numbers of people to participate in collective actions intended to better society and the world at large. By challenging embedded structures of social and economic power as well as political power, social movements can encourage debate about fundamental issues and values, and voice the concerns of disadvantaged and marginalized groups (Philips, 2004). However, the strident positions and disruptive or even violent actions taken by some of those participating in social movement actions may alienate potential supporters and make it difficult for social movements to influence governments. Nevertheless, social movements can have a long-term effect by influencing the thinking of the public and by raising issues that might otherwise be ignored.

Discussion Questions

1. Are interest groups an essential feature of democracy?
2. Are you active in an interest group? Why or why not?
3. Does your student union or student association effectively represent your interests?
4. Why are social movements an important aspect of Canadian politics?
5. Are social movement activists justified in engaging in civil disobedience to advance their cause?

Further Reading

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Chapter 8

Political Parties



Carlos Osorio/Toronto Star/Getty Images

The 2018 election of Doug Ford as Premier of Ontario led many commentators to ask if Canada was riding the wave of populism that brought President Donald Trump to power and caused Brexit.



Learning Objectives

After reading this chapter, you should be able to

- 8.1** Discuss the role and types of political parties in Canada.
- 8.2a** Discuss how different types of party systems influence the formation of governments, the ability of citizens to hold governments to account, and the representation of diverse interests.
- 8.2b** Discuss how the Canadian party system has changed over time.
- 8.3** Trace the policy positions and electoral performance of Canada's larger political parties.
- 8.4** Discuss how much influence party members have over party platforms and the selection and removal of their leaders and local candidates.

Populism

An ideology that regards society as being separated into two homogeneous and antagonistic groups: “the pure people” and “the corrupt elite,” and argues that politics should be an expression of the general will of the people.

Over the past few decades, populist parties and politicians around the world have been enjoying significant political success by directing the anger and discontent of many citizens with the status quo against members of the “elites,” whether they are traditional political parties, Wall Street bankers, bureaucrats, or media and cultural organizations (Moffitt, 2016). The worldwide Occupy Movement and the elections of U.S. President Donald Trump and Philippine President Rodrigo Duterte in 2016, are but a few examples of a global revival of populism that has come in different ideological shades.

Populism does not represent a particular economic analysis and vision of society. Rather, it is an ideology that regards society as being “separated into two homogeneous and antagonistic groups: ‘the pure people’ and ‘the corrupt elite,’ and argues that politics should be an expression of the *volonté general* (general will) of the people” (Mudde, 2015, February 15). At a practical level, populist politicians combine this outlook with other ideologies; left-wing populists have generally combined their appeals with socialism, while right-wing populists have combined it with nativism or xenophobia, both of which tap into people’s complaints about immigration and/or minorities (Mudde, 2015; Friedman, 2017, April 11). During his presidential campaign, for instance, Trump referred to Mexicans as rapists and called for a ban on Muslims coming into the United States.

Like other democratic systems, Canada has been home to populist parties and movements. In the early twentieth century, farmers’ parties protested the domination of the national economy by political and business elites in central Canada. They also fought to give citizens more direct control over decision making through citizen initiatives, referendums, and recall elections. These parties came together in the early 1930s to help form the Co-operative Commonwealth Federation, the socialist predecessor of the New Democratic Party. In the late 1980s, the right-wing Reform Party was launched to express the economic and political alienation of western Canadians from traditional political parties that were deemed to be too deferential to Quebec nationalists. Reform policies included a critique of official bilingualism and multiculturalism.

Canada’s apparent immunity to the recent surge of populism around the globe has been attributed to the fact that it was not hit as hard by the 2008 financial crisis and generally embraces immigration. However, after Ontario voters gave Doug Ford’s Progressive Conservatives a majority victory in the 2018 provincial election, political observers wondered whether it was a sign that a populist wave had reached Canadian shores. Ford’s campaign slogan “For the People” emphasized an anti-elitist challenge to 15 years of Liberal rule. His campaign promises to reduce the gas tax and to put beer and wine in corner stores can be considered elements of a populist platform, but he did not criticize immigration.

In a 2018 interview, Michael Adams, a pollster and author of *Could It Happen Here? Canada in the Age of Trump and Brexit*, feels that Ford represents a backlash among people who feel they have been left behind by the knowledge economy. However, he does not think that Canada will see the type of populism that has grown in the United States and Europe, and which is targeted against immigrants and minorities (*Global News*, 2018, June 8).

Chapter Introduction

Political Party

An organization that endorses one or more of its members as candidates and supports their election.

Canadian **political parties** battle online, on the airwaves, and on the ground for voter support during and between elections. Political parties are organizations of people who are motivated by a shared set of political ideas and whose fundamental purpose is to elect their members to public office. Twenty-one registered parties fielded candidates in the 2019 federal election. Yet neither parties are mentioned in the Constitution Acts of 1867 or 1982, nor are they a matter of constitutional convention. Our Members of Parliament do not have to be affiliated with a political party to be elected to the House of Commons, and they can sit as Independents. The territorial governments of the Northwest Territories and Nunavut, as well as most municipal councils, are not structured along party lines. Although parties are not necessary for democracy, they exist because they carry out vital functions in a representative democracy populated by 35 million Canadians with diverse interests and identities, living in far-flung communities.

Despite the central role of political parties in Canadian political life, many have questioned whether they have realized their promise as agents of democracy and nation-building. In recent decades there have been signs of public disenchantment with traditional political parties in many developed democracies (Amyot, 2007). As

discussed in the opening vignette, the global rise of populism is one symptom of public malaise with traditional parties. In a 2016 survey, just 8 percent of Canadians said they belonged to a party, and just 47 percent said they trusted MPs and political parties “to do what’s right” (Samara Canada, 2017). Very few Canadians consider themselves very strong supporters of any party, and about a quarter do not identify with any of the federal parties (Clarke, Scotto, Reifler, & Kornberg, 2011). Those individuals who do join parties tend to be dissatisfied with their influence on policy development (Cross & Young, 2006).

Canadian parties have also been criticized for failing to offer voters clear and distinct policy choices (Carty, 2006). Since the 1970s, their role as policy innovators has been largely usurped by other institutions and actors, including the Prime Minister’s Office, the bureaucracy, royal commissions, the courts, think tanks (Meisel & Mendelsohn, 2001), interest groups and social movements, and international organizations.

In this chapter, we will examine the roles and different types of political parties in Canada, and how their policy positions, organizational structures, and campaign techniques have evolved in response to changing social and political conditions. The chapter tracks the ebb and flow of party fortunes, with a view to understanding why some parties have been more electorally successful than others. It also considers whether parties have given their members a powerful voice over selecting leaders and candidates, and shaping party policy and campaign strategies. Ultimately, it encourages you to think about whether parties have adapted sufficiently to meet the needs and expectations of Canadians in the twenty-first century.

Political Parties in Canada: Their Role and Types

8.1 Discuss the role and types of political parties in Canada.

Although parties are not necessary for democracy, political parties exist because their activities support Canada’s representative democracy:

- They recruit and select the leaders and candidates who will represent the party in elections.
- They identify different perspectives about issues and develop positions on those issues for the public to choose from.
- They run election campaigns.
- They influence the government’s agenda and organize the affairs of the legislature.
- They secure continuity of support for the government in the legislature and hold the government to account.
- They educate Canadians about political issues.
- They offer their members opportunities to participate in political life by choosing leaders and election candidates, debating party policy, and campaigning.

In a geographically sprawling country, parties also serve as a bridge between people and their governments. Historically, Canadian parties have been expected to support nation-building by connecting residents with decision makers in Ottawa and with each other. Because larger parties need voter support in all constituencies, they have generally sought to strike compromise positions that balance the interests of voters from sea to sea to sea. In more recent times, parties have been expected to be inclusive of Canada’s social diversity so that voters see themselves represented in party organizations, their legislature and governments, and in public policy outputs.

Types of Political Parties

The path to distinguishing between political parties is not clear-cut. Political scientists do not always agree on the labels that are assigned to a particular party at a given point. Two of the most commonly used approaches to understanding similarities and differences among parties will be discussed in this module. The first approach focuses on how parties organize themselves and appeal to voters. The second path distinguishes between parties according to their record of winning office and electoral support.

From the Cadre to Market-Oriented Party?

Cadre Party

Loosely structured, elite-centred party with minimal organization outside the legislature.

Mass Party

Party with highly developed extra-parliamentary organization that aspires to enrol a large percentage of voters as party members.

Catch-All Party

A larger mainstream party that attempts to appeal to wide audiences by adopting centrist and often inconsistent party platforms.

Brokerage Party

A catch-all party that attempts to reconcile competing regional interests.

Political life in Canada's first half century was dominated by **cadre parties**, which were elite-centred parties with minimal organization outside the legislature (Duverger, 1954). They were predominantly composed of small groups of men of money, power, and influence. Party leaders were chosen by and accountable to their parliamentary caucuses. Leaders had a largely free hand in determining party policy. The principal objective of cadre parties was to respond to local demands for jobs and public works in exchange for electoral support.

After the franchise was extended to women and property qualifications to vote were lifted, parties needed to reach across class lines and give a greater say to their members. This gave rise to the **mass parties** that emerged after World War 1. Mass parties had highly developed organizations outside of the legislature and aspired to enrol a large percentage of voters as party members. Party leaders became more accountable to grassroots party members by giving them a say in leader and candidate selection, policy development, and election campaigns. For party members, the personal charisma of the party leader was less important than the party's ideas and principles.

American political scientist Otto Kirchheimer has argued that the mass parties that emerged in the early twentieth century transformed themselves into a new type of party, in response to changing social conditions following World War 11 (Kirchheimer, 1966). The **catch-all party** is a larger mainstream party that pursues votes at the expense of strong ideological convictions. Its centrist platform is designed to appeal to wider audiences and is inconsistent over time. Catch-all parties place more emphasis on the leader and less on grassroots activism. The role of the individual party member is diminished through the party's reliance on campaign professionals to communicate messages and on funds raised outside the membership. Political scientist Ken Carty has argued that the modern Liberal Party of Canada is an example of a catch-all or "big tent" party (Carty, 2015).

Other analysts have described contemporary Canadian political parties as practitioners of brokerage politics. In order to appeal to larger audiences, **brokerage parties** also avoid clear ideological distinctions from their competitors and do not base their election platforms on long-standing principles. This is the similarity they share with catch-all parties. Where they differ is that their incentive to adopt middle-of-the-road policy positions also arises out of a preoccupation with issues of national unity, ethnic relations, and federal-provincial relations. Brokerage parties do not form and fight elections along territorial, ethnic, linguistic, religious, or class cleavages. In order to preserve national unity, they attempt to reconcile the wide variety of competing interests found across the country within their party structures and policies. Some authors have described the Liberals and former Progressive Conservatives (PCs) as brokerage parties (Clarke, Jenson, LeDuc, & Pammett, 1984, 1991, 1996).

While some analysts claim that Canadian parties have generally fit the catch-all or brokerage mode, others have challenged the idea that Canadian party politics is

non-ideological. (See Chapter 5 for a detailed discussion of ideological traditions.) A number of **ideological parties**, which generally adhere to a coherent set of principles, even at the cost of limited electoral support, have been part of the political landscape. The New Democratic Party (NDP) is a social democratic party (Brodie & Jenson, 2007) that opposes privatization and supports government regulation of the economy and higher taxes on corporations and wealthy individuals in order to create and sustain social programs. The Bloc Québécois advocates nationalism, an ideology that emphasizes the importance of people being able to govern themselves and promote their culture and values. The Green Party's platform is grounded in the ideology of environmentalism, which challenges unsustainable economic growth and seeks to develop a better relationship with nature.

Others speak of left-wing, right-wing, and centrist parties (Benoit & Laver, 2006; Cochrane, 2010). Left-wing parties, such as the New Democratic Party, emphasize the principles of economic equality, racial equality, gender equality, and the equality of gays and lesbians. Right-wing parties, such as the former Reform and Canadian Alliance, advocate lower taxes and social spending, less government regulation, and traditional stances about abortion and homosexuality. Centrist parties adopt a moderate position between the left and the right. Some have argued that centrist parties, such as the Liberal Party of Canada and the former Progressive Conservatives, have not been devoid of ideology (Christian & Campbell, 1990), as shown by their embrace of liberal (e.g., support for the individual rights guaranteed in the Charter of Rights and Freedoms), classical conservative (e.g., support for the monarchy), and social democratic ideas (e.g., support for spending on social welfare programs).

Political scientists have debated whether the Conservative Party of Canada governed as a catch-all party or as an ideological party grounded in the neo-liberal and social conservative ideological traditions during its tenure from 2006 to 2015. There is evidence to support both arguments. The Conservatives ran record budget deficits, but their approach to taxation and regulatory powers demonstrated a neo-liberal preference for limited government. Although Conservative Prime Minister Stephen Harper did not pursue new abortion laws or revisit the same-sex marriage law, his government adopted initiatives that are consistent with a social conservative outlook: it cut funding to gay pride parades, announced that it would not fund abortions in its child and maternal health care initiatives for developing countries, and adopted a "tough on crime" agenda (Farney & Malloy, 2011).

In recent years, Canadian parties have increasingly adopted the practices of **market-oriented parties**. These types of parties employ market research techniques to determine in advance of an election what voters want (as businesses do when conducting consumer research) and then shape their images and policies according to voter demand. Parties do this because many Canadians switch their voting preferences from one election to the next and need to be persuaded to support a particular party (Lees-Marshment, 2001). This development has been facilitated by technological advances that allow for the collection, storage, and analysis of vast amounts of data about the personal characteristics, policy views, and voting records of Canadians. This information is provided by citizens themselves through party websites and social media. Social media companies then provide their clients, including political parties, with profiles of the members, followers, or friends in their respective networks or online communities (Giasson & Small, 2017). Parties use the information gleaned from online sources to set the issue agenda, to identify and communicate with past and potential supporters based on their personal profile, and to raise money. (See Box 8-1: Political Marketing, Digital Media, and Courting the Youth Vote.) Political marketing techniques also frame the permanent campaign: the polling, communication, and policy initiatives that take place during the inter-election period. (See Chapter 9 for a discussion of the permanent campaign.)

Ideological Party

A party that tends to adhere to a strict ideology or set of principles, even at the cost of limited electoral support.

Market-Oriented Party

A party that attempts to determine in advance what voters want and then shapes its image and policies according to the preferences of individuals.

Box 8-1 Political Marketing, Digital Media, and Courting the Youth Vote

Since former U.S. President Barack Obama's successful use of social media to mobilize supporters and donors in the 2008 presidential campaign, Canadian parties and politicians have increasingly used digital platforms such as Facebook, Twitter, YouTube, emails, and party websites to reach Canadians during and between elections. These channels are also helping them collect information about voters' issue priorities and preferences, send voters targeted messages, raise money, and mobilize supporters for political action. The use of social media for political marketing and image-making has not been restricted to federal politics. For example, Naheed Nenshi was a prolific user of social media before and during his victorious campaign for mayor of Calgary in 2010 (Giasson & Small, 2017).

Some have suggested that the Liberal Party's use of social media in the 2015 campaign was essential to its success in spurring young Canadian to vote in record numbers and to

vote for the Liberals. Although all candidates posted videos to Twitter, Liberal Party leader Justin Trudeau maintained a strong presence on every social media platform. In addition to posts about public policy, his tweets commemorated personal milestones that provided emotional glimpses into his family life. Through hashtags like #GenerationTrudeau and #Real Change, Trudeau made audiences, particularly the young Canadians who use social media the most, feel like they were a part of a larger movement for change (Jeanes, 2015).

A technological revolution has transformed contemporary political campaigns. As discussed in Chapter 9, social media have become an important way for parties to communicate with supporters and for Canadians to have lively conversations about politics with each other. Time will tell whether parties use interactive technologies to spark a substantive two-way conversation between them and Canadians of all ages.

To varying degrees, the Conservatives, Liberals, and New Democratic Party have displayed characteristics of market-oriented parties. Duelling campaign advertisements in the 2015 election reflect the significance of political marketing. The Conservatives "Just Not Ready Ad," in which a group chats about the ways in which Liberal leader Justin Trudeau may not be fit for office, was the product of market research showing that, while people liked Trudeau, they had reservations about his qualifications for running the country. When market research showed that the ads were resonating with the public, the Liberals countered with their "Ready Ad," which featured Trudeau looking into the camera lens and elaborating on how he would be different from Conservative Prime Minister Stephen Harper (Delacourt, 2013, 2016).

Major Party

A party that seeks to win office, has enough electoral support to win office, or is strong enough to influence the policy positions of those who hold power.

Minor Party

A party that has not yet been in power and, in the eyes of voters, is an "untried alternative."

Major and Minor Parties

Parties may also be distinguished on the basis of their electoral support and record of winning office. A distinction has been made between major parties and minor parties. **Major parties** seek to win office, have enough electoral support to win office, or are strong enough to be able to influence the policy positions of those who hold power (Duverger, 1954). The Liberal and Conservative parties belong to this "governing club." A **minor party** is one that has not yet been in power and, in the eyes of voters, is an "untried alternative." Historically, minor parties have often emerged in society during times of crisis (Pinard, 1973; Bélanger, 2007). Canada has been fertile ground for the formation of minor parties at the federal and provincial levels, with some of them achieving substantial voter support.

Contemporary examples of minor parties that have not won power at the federal level as of 2018 include the New Democratic Party (NDP) and the Green Party. There is also the separatist Bloc Québécois (BQ), which does not seek to govern Canada. There are also many smaller organizations with limited resources and no realistic chance of electing MPs under the current electoral system. These would include the Christian Heritage Party, which endorses Judeo-Christian principles in public policy; the Animal Protection Party, which is focused on environmental and animal protection; and the

Rhinoceros Party, a satirical party that has promised to nationalize Tim Hortons and privatize the Royal Canadian Army. While numerous minor parties in Canadian history have been short-lived and/or have received negligible support, others have experienced substantial electoral success. The New Democratic Party for example, has held the balance of power in minority governments, has served as the official opposition, and has won office at the provincial/territorial level.

The Canadian Party System

8.2a Discuss how different types of party systems influence the formation of governments, the ability of citizens to hold governments to account, and the representation of diverse interests.

8.2b Discuss how the Canadian party system has changed over time.

China has an authoritarian regime in which only one political party—the Communist Party—holds effective power at the national level. Although opposition parties are not formally banned, they are almost completely subservient to the Communist Party, so that most of China is effectively a one-party state.¹ In a democratic regime such as Canada, a greater tolerance for a diversity of political opinion has allowed for the development of many political parties that offer alternatives to voters. The pattern of electoral competition between parties that exists in a particular country is called a **party system**. The nature of a country's party system influences which parties govern and win representation in the legislature, the ability of citizens to hold their governments to account, and the representation of diverse interests.

Political scientists have developed different ways of comparing party systems across democratic countries. The simplest method involves counting the number of parties that compete for office (Duverger, 1954). If there are two, or primarily two, parties, we refer to this pattern of competition as a **two-party system**. Two-party systems, such as those in the United States, in the United Kingdom between 1945 and 1979, and in most of the former British colonies of the Caribbean, typically produce single-party governments (Siaroff, 2005). The party that wins a majority of seats in a legislature following an election forms a single-party government. Single-party governments tend to enhance government accountability because it is easier for voters to identify which party is responsible for public policies. Alternation in power between two relevant parties is also more common in two-party systems. If electors are unhappy with the performance of the governing party, they can vote for its rival in the next election. Parties in two-party competitive environments also tend to adopt moderate, centrist policies (Mair, 2002).

Multi-party systems are those in which three or more parties compete for power (Duverger, 1954). This pattern of competition is more likely to produce coalition governments because it is less likely that a single party will win an outright majority of seats in the legislature. In a coalition government, two or more parties enter into a formal agreement to share power. Coalitions have ruled many democratic countries, including Germany, the Netherlands, Italy, Australia, New Zealand, and the United Kingdom. Canada has had just one coalition government at the federal level (1917–1920), although Ontario, Manitoba, Saskatchewan, and British Columbia have been governed at times by coalitions.

Multi-party systems have been praised for allowing for a more diverse range of voices to be heard. Critics of multi-party systems say they may undermine

Party System

A pattern of electoral competition that emerges between two or more parties.

Two-Party System

A pattern of competition in which there are two, or primarily two, parties.

¹ The special administrative regions of Hong Kong and Macau, former colonies of European powers, operate under a different political system from the rest of China. Both are multi-party systems.

Two-and-a-Half Party System

Pattern of competition whereby two major parties win at least three-quarters of the vote and a third party receives a much smaller share of the vote.

Multi-Party System with a Dominant Party

One large party receives about 40 percent of the vote, and the two largest parties together win about two-thirds of voter support.

Multi-Party System Without a Dominant Party

Competition where there is no dominant party, and three or four parties are well placed to form coalitions.

government accountability and the possibility of alternation in government, since coalition partners often do not change from election to election. Extreme ideological political parties with narrow bases of support are also more likely to thrive in multi-party systems.

Jean Blondel identified four distinct patterns of party competition that consider the relative electoral strength of parties (Blondel, 1968). In two-party systems, two major parties win 90 percent or more of the popular vote, and the gap between their vote share is small. In a **two-and-a-half party system**, there are two major parties that win 75–80 percent of the vote and one or more much smaller third parties. Multi-party systems in which four or more parties play a significant part in the political process may be subdivided into two types. In a **multi-party system with a dominant party** there is one large party that receives about 40 percent of the vote, and the two largest parties together win about two-thirds of voter support. In a **multi-party system without a dominant party** there is no dominant party, and three or four parties are well placed to form coalitions.

The Origins of the Canadian Party System

The origins of party competition date back to the early nineteenth century and the struggle to achieve responsible government in British North America. (See Chapter 2.) Two political tendencies gradually emerged out of this political conflict. The privileged members of the executive and legislative councils led the conservative, or Tory, element. Tories believed in the need for a strong executive authority that could check democratic assemblies and promote economic development. Their rivals were the Reformers, who aimed to make the government more democratic and responsive to the popular will (Thorburn, 2001). They planned to achieve their ideal through responsible government, whereby the governor would choose his advisers in the executive council from men who had the confidence of the elected assembly. The achievement of responsible government in Nova Scotia in 1848, and in the Province of Canada in 1849, created the need for more well-organized parties to support or oppose the governor's policy.

After the adoption of responsible government, loose alliances of politicians sharing similar tendencies gradually coalesced into parties. By 1854, John A. Macdonald and George-Étienne Cartier had forged an alliance of commercial and industrial interests from English-speaking Canada East, conservative French-Canadians from Canada East, Tories and moderate Reformers from Canada West, and members of the Family Compact and Château Clique elites,² which became the Liberal-Conservative party. After Confederation, the Liberal-Conservative party lost its Liberal elements and by 1878 became known as the Conservative party. English- and French-speaking Reformers from Canada West and Rouges from Canada East opposed the Conservatives. After Confederation, this loose coalition welcomed allies from the Maritime provinces but did not coalesce into a united Liberal party until 1887. The modern-day Liberals are the successors of these nineteenth-century politicians who advocated responsible government (Cook, 1977; Pickersgill, 1962).

Party Competition from Confederation–1993

From Confederation until 1921, Canada had a two-party system that produced a series of stable majority governments. Power alternated between the Conservatives (subsequently renamed the Progressive Conservatives) and the Liberals, and

² The Family Compact and the Château Clique comprised members of wealthy families in Upper Canada and Lower Canada, respectively. They controlled the government through their roles as members of the executive council and legislative council.

both parties won similar shares of the popular vote in most provinces. However, Canadian society was changing rapidly in the early twentieth century, and the parties came under pressure to respond to the demands of people who felt shut out from decision-making processes. As well, the conscription crisis in World War I (see Chapter 2) contributed to the Conservatives' electoral weakness in Quebec for much of the twentieth century.

Between 1921 and 1993, Canada had a two-and-a-half party system, with the Liberals and Progressive Conservatives as the leading parties. The Liberals dominated electoral competition for most of the twentieth century, save for brief interludes when the Progressive Conservatives were able to win significant support in Quebec and in the West. During this era, minor parties, including the Progressives, the Co-operative Commonwealth Federation (CCF), Social Credit, the New Democratic Party the Reform Party, and Bloc Québécois, were formed to give voice to regional, class, or ethno-linguistic grievances. While they attracted enough support to reduce the combined vote share for the two larger parties, none of these formed a government on their own or in a coalition with one of the major parties.

Party Competition since 1993

The electoral “earthquake” of 1993 disrupted the 2.5 party system. Two new regional parties based on western alienation and Quebec nationalism elected large contingents of MPs to the House, and the ruling Progressive Conservatives (PCs) were reduced to just two seats. Since then, party competition has evolved into a multi-party system. (See Table 8-1).

Between 1993 and 2000, the Liberals won three consecutive majority governments, establishing themselves as the dominant party in a competitive environment where four or more parties played a significant role in Parliament. The Liberals' command of party competition was facilitated in part by the splitting of the right-of-centre vote between the Reform Party and the Progressive Conservatives. In 2003, the Canadian Alliance and Progressive Conservatives merged to form a new Conservative Party of Canada that could challenge Liberal dominance. The merger strategy worked. The Liberals were reduced to a minority government in 2004, and were subsequently defeated by the Conservatives in 2006 and 2008. In the three elections held between 2004–2008, no single party won 40 percent of the vote and three parties were in a position to form an alternative governing coalition, the hallmarks of a multi-party system with no dominant party.

Table 8-1 Valid Votes Cast (%) and Candidates Elected (N) by Political Party in Canadian General Elections, 1993–2019

Year (N)	Cons.	Progressive Conservatives	Reform/ Alliance	Liberal	New Democratic Party	BQ	Green	Other
1993 (295)		16 (2)	18.7% (52)	41.3 (177)	6.9 (9)	13.5 (54)		3.6 (1)
1997 (301)		18.8 (20)	19.4 (60)	38.5 (155)	11 (21)	10.7 (44)	0.4 (0)	1.2 (1)
2000 (301)		12.2 (12)	25.5 (66)	40.8 (172)	8.5 (13)	10.7 (38)	0.8 (0)	1.5 (0)
2004 (308)	29.6 (99)			36.7 (135)	15.7 (19)	12.4 (54)	4.3 (0)	1.3 (1)
2006 (308)	36.3 (124)			30.2 (103)	17.5 (29)	10.5 (51)	4.5 (0)	1 (1)
2008 (308)	37.7 (143)			26.3 (77)	18.2 (37)	10 (49)	6.8 (0)	1 (2)
2011 (308)	39.6 (166)			18.9 (34)	30.6 (103)	6.1 (4)	3.9 (1)	1 (0)
2015 (338)	31.9 (99)			39.5 (184)	19.7 (44)	4.7 (10)	3.4 (1)	1 (0)
2019 (338)	34.4 (121)			33.1 (157)	15.9 (24)	7.7 (32)	6.5 (3)	0.4 (1)

SOURCE: Based on data retrieved from Elections Canada at <https://www.sfu.ca/~aheard/elections/1867-present.html> and the Library of Parliament at https://lop.parl.ca/sites/ParlInfo/default/en_CA/Parliament/HouseOfCommons/partyStandings

The outcomes of the 2011 and 2015 elections suggested a possible return to the 2.5 party system, as the separatist Bloc Québécois faltered and support for the Green party languished. The Conservatives won a coveted majority in 2011 after Conservative Prime Minister Stephen Harper appealed for a “strong, stable, national, majority government” and invoked warnings about the instability that would follow from a Liberal-led coalition backed by the “socialist” New Democratic Party and separatist BQ (Dornan, 2011). In 2015, Justin Trudeau’s Liberals rose from the ashes of the party’s disastrous showing in 2011 to defeat Harper and win a majority of seats in the House of Commons, with increased support across the country.

Campaign 2019

By early 2019, the new wave of Trudeaumania that had swept the Liberals to power in 2015 had subsided. Despite the country’s solid economic growth, a low unemployment rate and reduced child poverty rates, the Liberal record was a disappointment to some. They had broken election promises to balance the budget and reform the electoral system. There were doubts about Prime Minister Justin Trudeau’s judgement following several rebukes from the ethics commissioner and his handling of the SNC-Lavalin affair. Environmentalists and some Indigenous leaders opposed the federal government’s controversial purchase of the Trans Mountain pipeline. Meanwhile, many working in the struggling oil and gas sectors were angered by policies they felt were threatening their livelihood: carbon pricing, the cancellation of the Northern Gateway and Energy East pipeline projects, the moratorium on oil tankers in northern British Columbia, and regulatory changes that will make it more difficult to approve major natural resource infrastructure projects.

Throughout most of an acrimonious election campaign, the Liberals and Conservatives were deadlocked in national public opinion polls. Voters seemed unenthusiastic about the parties and their leaders. In the final weeks, polls suggested that the New Democratic Party was gaining ground and the Liberals slipping, prompting Trudeau to warn that choosing a party other than the Liberals might divide the “progressive” vote and allow the Conservatives to form a government.

On October 21, 2019, a polarized electorate reduced the Liberals to a minority, the result of deepening regional divisions over climate change policy, pipeline construction, and Quebec’s identity, among other campaign issues. With 33 percent of the popular vote, the Liberals won 157 seats, 13 shy of the 170 they needed to win a majority. Their vote share had tumbled 6.5 points from 2015. While they generally held their ground in Ontario, Quebec, most of Atlantic Canada, and the lower mainland in British Columbia, they failed to win a single seat in Saskatchewan, Alberta, or the British Columbia interior.

The Conservatives had high hopes of defeating a vulnerable Trudeau heading into the election. In 2017, the ethics commissioner ruled that Trudeau had broken conflict of interest rules when he and his family used the Aga Khan’s private helicopter to travel to the billionaire’s private island in The Bahamas. One month before the drop of the writ, Ethics Commissioner Mario Dion concluded that Trudeau had violated the Conflict of Interest Act when he pressured former Attorney-General Jody Wilson-Raybould to offer SNC-Lavalin, a Montreal-based engineering firm, the option to avoid criminal prosecution on corruption charges. Trudeau’s reputation as a champion of diversity was damaged during the campaign when photos surfaced that he had donned racially offensive blackface and brownface makeup and costumes in his younger years.

Conservative Party leader Andrew Scheer waged an aggressive campaign that attacked Trudeau as a “phony” and a “liar”. The Conservatives won a slightly higher share of the popular vote than the Liberals, and 121 seats, 22 more than they won in 2015. They nearly swept the Prairie provinces and elected new MPs in New Brunswick,

but failed to make inroads in Ontario and Quebec. Scheer's promises to scrap carbon pricing, build an oil pipeline through Quebec, and unclear stance on abortion rights, LGBTQ rights, and medically-assisted dying, did not align with the views of many voters in urban central Canada (Patriquin, October 24, 2019). During the campaign, Trudeau invoked the name of Ontario Progressive Conservative Premier Doug Ford, repeatedly reminding them of Ford's unpopular budget cuts, and stoking fears that a federal Conservative government would do the same. The Conservatives' failure to topple Trudeau boiled over into frustration in parts of the west, where a deeply-rooted sense of political alienation (Chapter 5) has turned into musings about a "Wexit", or western separation.

A resurgent Bloc led by Yves Blanchet won 32 seats, enough to reclaim official party status. Blanchet's strong defence of Quebec's popular law on the separation of religion and the state (Bill 21), contributed to the near-decimation of the New Democratic Party caucus in the province. An upbeat campaign by leader Jagmeet Singh helped the party avoid the electoral disaster that was anticipated before the campaign. However, the New Democratic Party won just 24 seats, 20 fewer than it had won in 2015.

For the first time in Canadian electoral history, the environment was a high profile issue on the campaign trail. The Green Party capitalized on this and the "Greta Thunberg effect", winning 6.5 percent of the popular vote, nearly double their vote share in 2015. Despite this and a historic win outside British Columbia, they emerged with just 3 seats, failing to surmount the challenges that parties with dispersed geographic support face in a single member plurality electoral system (see Chapter 9). The People's Party of Canada, formed in 2018 by former Conservative cabinet minister Maxime Bernier, did not win any seats after campaigning for reduced immigration levels and federal government inaction on climate change.

At the time of writing, Trudeau was meeting with opposition leaders in his search for the support he will need to form a minority government and pass legislation. The Canadian party system has undergone major transformations since 1993 and continues to evolve. No one party has established consistent dominance in elections held since 2004. The multi-party system, where four or more parties play a significant role in Canadian politics, persists.

Party Policies and Electoral Performance

8.3 Trace the policy positions and electoral performance of Canada's larger parties.

The authors of *Dynasties and interludes: Past and present in Canadian electoral politics* argue that over the course of Canadian history, the larger Canadian political parties have avoided clear ideological differences with their competitors so that they can attract more voters and bridge the territorial, ethno-linguistic, religious, and class divisions that are part of the country's social fabric. Such parties emphasize different issues from one election to the next and often change their positions on these same issues. In order to win, parties need to build coalitions of support at every election and master key issues related to economic prosperity, national unity, and the social safety net under the direction of a skilled leader (LeDuc & Pammett, 2016). Parties that have appealed to particular regional, linguistic, or class interests have been less successful, in part because the single-member plurality electoral system penalizes smaller parties with support that is spread across the country and because it rewards the party that wins the most votes with a larger proportion of seats than the proportion of the vote it received. (See Chapter 9.)

These dynamics have produced six dynasties—long periods of political dominance by one party under a skilled political leader. These dynasties have been

interrupted by shorter interludes of time when a competitor wins office. The fore-runners of today's Conservative Party dominated the electoral contests of the nineteenth century, but the twentieth century largely belonged to the Liberals. In the first decades of the twenty-first century, the Conservative Party has alternated in power with the Liberals. As discussed in this module, the policy positions and electoral performance of all Canadian political parties have evolved over time to reflect changing political and social conditions. When the older parties have failed to address the grievances of certain groups of Canadians, new parties have emerged to fill the vacuum.

The Conservative Party

The Conservative Party and its predecessors have governed Canada, but have spent more time in opposition. They have struggled with internal strife and the challenge of assembling a durable coalition of right-of-centre interests across the country. Originally, Canadian conservatives supported an active role for government in the economy. By the end of the twentieth century, they had embraced neo-liberal economic policies (see Chapter 5).

Canada's first government, led by Liberal-Conservative Sir John A. Macdonald, pursued a national policy of high tariffs to protect manufacturers in central Canada from American competition, government support for a transcontinental railway, and a strong immigration policy to settle western Canada. Macdonald was skilled at building a stable coalition of French-English and Protestant-Catholic interests. However, his decision not to commute the death sentence of Louis Riel in 1885 and, later, Conservative Prime Minister Robert Borden's introduction of compulsory enlistment during World War 1 eroded the Conservatives' popularity in Quebec. (See Chapter 2.) By the early 1920s, the high tariff policy had alienated western farmers who had to pay more for industrial goods.

The Conservative government, led by New Brunswick-born self-made millionaire R.B. Bennett (1930–1935), drew on the power of government to battle the Great Depression. However, many Canadians thought the government had done too little too late and re-elected the Liberals in 1935. John Diefenbaker, a firebrand prairie populist from Saskatchewan, led the party (renamed the Progressive Conservatives in 1942) back to power from 1957–1963. Diefenbaker's governments increased old-age pensions and unemployment insurance benefits, provided financial assistance to regions outside central Canada, and helped boost western Canadian agriculture. They also passed a statutory Bill of Rights and granted the vote to First Nations.

Between 1984–1993, the Progressive Conservative governments of Brian Mulroney, a former president of Iron Ore Co. of Canada, pursued an ambitious agenda of political and economic reform. Mulroney launched two ill-fated attempts at constitutional change, designed to meet Quebec's conditions for signing the Constitution Act, 1982 and to address provincial demands for the decentralization of powers. The party also abandoned its historic resistance to closer ties with the United States when it campaigned for a Free Trade Agreement (FTA) with the United States during the 1988 federal election. By the early 1990s, a recession, unpopular policies such as the Goods and Services Tax and free trade, and failed efforts at constitutional reform contributed to mounting voter discontent. Mulroney resigned in 1993 and was succeeded by Kim Campbell, Canada's first (and, to date, only) female prime minister. In the 1993 election, the Progressive Conservatives suffered the worst electoral defeat for a governing party in Canadian history. Until 2003, they continued to elect a scattering of MPs across the country but failed to win back the support they enjoyed in the 1980s.

Many western Canadians had supported the Progressive Conservatives, expecting they would address their frustration with the power centres of Ontario and Quebec.

Although the Mulroney government eventually dismantled the hated National Energy Program (see Chapter 4), to many Westerners it seemed that the party was most concerned with pleasing Quebec nationalists (Flanagan, 2001). In 1987, the Reform Party was founded to give voice to western Canadian interests. Reform's populist program called for more public input into policy making, a "Triple-E Senate" (elected, equal, and effective), deficit reduction, and reduced spending on social programs. The party rejected any kind of special status for Quebec. It was also critical of official bilingualism and multiculturalism, of affirmative action for minorities, and of Indigenous self-government. **Social conservatism** was reflected in its position that family and marriage are for heterosexuals exclusively and that capital punishment should be reinstated.

Reform achieved a breakthrough in the 1993 election, becoming the third largest party in the House of Commons, but it failed to significantly expand its support beyond western Canada. In 2000 the party dissolved itself and worked with some Progressive Conservatives to create the Canadian Reform Conservative Alliance (Canadian Alliance). However, this new right-wing populist party was also unable to expand beyond its western base. Vote-splitting between the Canadian Alliance and the Progressive Conservatives helped the Liberals win three consecutive majority governments between 1993 and 2000. In 2003, the Progressive Conservatives and Canadian Alliance merged to form a new Conservative Party of Canada (www.conservative.ca).

Stephen Harper, a former Reform MP and president of the National Citizens Coalition, was selected to lead the new party. The Conservatives eliminated the populist and regional elements of their platform, as well as most of the party's social conservative positions on issues such as abortion. The Conservatives reached out to Quebec voters by supporting official bilingualism, limiting federal spending powers, and resolving to address the fiscal imbalance between the revenues of the federal and provincial governments. These policy shifts, lingering voter anger with the Liberals over the "sponsorship scandal,"³ and a focus on government accountability, tax cuts, and modest spending initiatives helped the Conservatives win and hold office from 2006–2015.

While in office, the Conservatives maintained increases for health care transfers to the provinces and implemented an economic stimulus plan to deal with the 2008–2009 recession, all financed by deficits. Other elements of the Conservative party's program—balancing the budget by 2015 and tax reductions—reflected a neo-liberal ideology. The Conservatives chose not to create new federal social programs, instead giving direct payments to specific groups of individual Canadians. Conservative governments also pursued multilateral FTAs with the European Union and the Trans-Pacific Partnership. Their strong support for non-renewable energy projects and fast-tracking environmental assessment reviews pitted them against environmentalists seeking a moratorium on the development of the Alberta oil sands and new oil pipelines.

Following the party's electoral defeat in 2015, Harper resigned and was replaced by Andrew Scheer, a Saskatchewan MP and former Speaker of the House of Commons. In 2019, Scheer campaigned on an anti-tax, small government agenda. He opposed the Liberals' carbon pricing system and promised a universal tax cut, cuts to foreign aid, delayed spending on infrastructure, and a balanced budget in five years. The platform also spoke to affordability issues, with promises to loosen the mortgage stress test and to help Canadians pay to heat their homes in the winter (Malone, 2019, September 24). The Conservatives won 22 more seats than in 2015, but fell short of defeating the Liberals. The results prompted musings about replacing Scheer, but the Conservative caucus voted not to adopt a rule that would allow

Social Conservatism

An ideology based on a commitment to traditional ideas about the family and morality.

³ The sponsorship scandal involved Liberal-connected advertising firms paying lobbyists to seek contracts to promote Canadian unity for which little work was actually done. In return, substantial sums of money were given to those involved in the Quebec branch of the Liberal party.

20 percent of its group to trigger a leadership review. Scheer will face another test of confidence in his leadership at the party's biennial convention in 2020.

The Liberal Party

The Liberal Party (www.liberal.ca) has governed the country for most of the period since the late 1890s, a success built on its shrewd adoption of pragmatic and flexible policy positions and skill in bridging social divides between French and English, Catholic and Protestant, and business and labour interests. An electoral system that rewards leading parties with a larger share of House seats than their popular vote, has also contributed to its historical dominance.

Canada's first Liberal government was formed in 1873 by Alexander Mackenzie after Macdonald's Conservative government was brought down by the Pacific railway scandal.⁴ Between 1896–1911, the Liberals won four consecutive elections under the leadership of the francophone Roman Catholic Wilfrid Laurier, by taking a cue from Macdonald's formula for success—build a nationwide coalition of supporters, support an expansionary role for government, and accommodate French and English interests. Laurier's major policy initiatives included backing an aggressive immigration policy and supporting the transcontinental railway. The Laurier Liberals negotiated a reciprocity agreement with the United States that provided for the reduction, and in some cases the removal, of import tariffs on raw and processed goods, but were defeated in the 1911 election after the Conservatives accused them of being too close to the Americans. Their anti-conscription stance in the 1917 election, while popular in Quebec, cost them votes in English Canada, and they were reduced to a largely Quebec-based caucus.

When William Lyon Mackenzie King succeeded Laurier as leader in 1919, he inherited a party divided by race and language. Despite these obstacles, he went on to become the longest-serving prime minister, from 1921–1948, save for two brief periods in opposition. King's success has been credited to his legendary skills in reconciling different interests. He rebuilt the Liberals as an alliance of English and French and accommodated the interests of ideologically opposed groups such as the western free trade farmers and protectionist manufacturers from central Canada. His governments straddled the ideological centre by combining responsiveness to business concerns with social welfare policies such as the Old Age Pensions Act (1927), the unemployment insurance program (1940), and the universal family allowance benefits program (1944). Liberal Prime Minister Louis St. Laurent (1948–1957) maintained the King government's mix of social welfare policies and a commitment to close economic ties with the United States.

During Prime Minister Lester B. Pearson's tenure (1963–1968), Liberal governments passed legislation establishing the Canada Pension Plan (1965) and public medical insurance (1966) and negotiated the Auto Pact with the United States (1965). After Pearson's retirement, Pierre Trudeau, who had served as minister of justice, became the new leader of the Liberal party. Suave and free-spirited, Trudeau captured the spirit of the 1960s, and he swept into office on a wave of "Trudeaumania" in the 1968 election. His approach to constitutional reform and French-Canada's place in Confederation was inspired by the principles of liberal individualism and hostility toward the granting of special constitutional status to Quebec. Trudeau's approach to governance was based on progressive social policies and interventionist economic policies, such as regional economic development programs, the National Energy Program, and the Foreign Investment Review Agency. The last Trudeau government helped defeat the separatist forces in the 1980 Quebec referendum on sovereignty association. It also negotiated an agreement with nine provincial premiers to patriate the Constitution with an entrenched amending formula and the Charter of Rights and Freedoms. (See Chapter 10.)

⁴ MacDonalld was forced to resign after the Liberal opposition revealed that a lucrative contract to build a railway to the Pacific coast had been awarded to a firm headed by a major contributor to the Conservative election campaign in 1872.

Following Trudeau's resignation in 1984 and two consecutive election losses to the Progressive Conservatives, the Liberal party chose Jean Chrétien, a former cabinet minister with a folksy speaking style, as their leader in 1990. Widespread dissatisfaction with the policies of the Mulroney government, an upbeat economy, and a political opposition that was split among four parties helped the Liberals win three consecutive majority governments from 1993–2000. The Chrétien governments pursued an agenda of reduced social spending, debt and deficit reduction, and reversed their position on withdrawing from the North American FTA.

Before Chrétien finished his term, he was pressured to resign by his former finance minister, Paul Martin, and his supporters. Martin became Liberal leader in 2003, but his tenure was dogged by the sponsorship scandal. The Liberals were reduced to a minority government in 2004 and then lost to Harper's Conservatives in 2006. Martin's successors were unable to prevail over the Conservatives in the next two elections. Following the Liberals' disastrous showing in 2011, when they finished third behind the New Democratic Party for the first time in their history, leader Michael Ignatieff resigned. He was replaced in 2013 with Justin Trudeau, a former math and French teacher and eldest son of Pierre Trudeau.

In 2015, Justin Trudeau's Liberals staged a dramatic come-from-behind victory to win a majority government, ending the Conservatives' decade in power. Trudeau's "sunny ways" on the campaign trail, a bold centre-left platform, and tactical errors by the Conservatives, contributed to the party's reversal of fortunes (Jeffrey, 2016; Dornan, 2016). During the 2019 election, the Liberals reminded voters of the country's strong economy, and of the measures it had implemented to combat climate change, reduce child poverty, and cut income taxes. Their platform featured modest new proposals, including pharmacare, assistance for affordable housing and student aid, funds to help cities combat guns and gangs, and new taxes to offset spending. The party also promised to introduce legislation to harmonize Canadian law with the UN Declaration on the Rights of Indigenous Peoples (Campion-Smith & Boutilier, 2019, September 30). The Liberals held on to power, winning a minority of seats in the House. At the time of writing, Trudeau's next challenge was to form a stable minority government.

The New Democratic Party

The New Democratic Party's roots date to the struggle of farmers and labourers for better working conditions in the early twentieth century. Labour unrest following World War I gave impetus to the trade union movement and the development of smaller labour parties. Cooperation between more ideologically inclined members of the farmer-led progressive parties, the Labour Party, and independent MPs inspired the formation of the socialist CCF in 1932 under the leadership of J.S. Woodsworth. The party's Regina Manifesto (1933) advocated government planning of the economy through the nationalization of railways, banks, insurance companies, and other industries of large-scale economic importance. As well, the CCF argued for universal pensions, universal health care, and unemployment insurance.

After the Second World War, CCF support declined in the wake of Cold War tensions and the Liberals' adoption of popular CCF policies. In order to broaden its appeal, the CCF and the Canadian Labour Congress agreed to create a new party in 1961. Led by Tommy Douglas, the former CCF premier of Saskatchewan who launched medicare, the New Democratic Party (www.ndp.ca) fashioned itself as a modern social democratic party and gave labour unions a direct voice in party decision making (Laycock & Erickson, 2015). While the federal New Democratic Party has won enough support in the past to hold the balance of power in minority Parliaments, it has never won power. Since its founding, it has pressed for government regulation, some public ownership, redistributive tax policies, and a strong

social safety net (Whitehorn, 2007). Beginning in the late 1990s, the party shifted toward the ideological centre, adopting policies and a vocabulary that were more friendly toward business and trade liberalization (Pétry, 2015).

Until 2011, the party had never finished higher than third in a federal election. An electoral system that penalizes smaller parties with dispersed geographic support has been one source of weakness (See Chapter 9.) Another has been its inability to build a strong following in Quebec, in part due to its preference for a strong federal government—a position that is not widely shared by many Quebecers. In 2011, the New Democratic Party overcame these challenges when it won 103 seats to become the official opposition for the first time in its history. Fifty-nine of those seats were won in Quebec, where party leader Jack Layton's popularity and the declining prominence of the sovereignty issue, laid the groundwork for an "orange wave" (Bélanger & Nadeau, 2011). Layton died just months after the election, and Quebec MP Thomas Mulcair took over as leader. But hopes of winning power were dashed in the face of the Liberal party's juggernaut in the 2015 election, and the New Democratic Party was relegated to third place. After the disappointing results, party members voted in 2017 to oust Mulcair and replaced him with Jagmeet Singh, a former Ontario MPP, and the first visible minority to lead a federal party on a permanent basis.

The New Democratic Party went into the 2019 campaign with a small war chest, low standings in public opinion polls, and doubts about Singh's ability to revive the party after his handling of questions about Sikh extremism. The party campaigned on a leftist platform, proposing more than \$30 billion in new spending on universal pharmacare and climate change measures, as well as tax increases targeting corporations and wealthy Canadians. Singh's upbeat campaign style, use of social media video apps to court the youth vote, and strong performance in televised debates raised his profile. He won praise for his response to revelations that Trudeau had worn black-and-brownface in his youth, calling on people of colour "not to give up on Canada" (Ballingal, 2019, October 25).

While the New Democratic Party held onto official party status, its popular vote and seat count declined from 2015. A resurgent Bloc had swept away the gains made by the "orange wave" in 2011, and just one New Democratic Party MP was elected from Quebec. The New Democratic Party generally maintained its support in British Columbia and retained its only seat in Alberta, but was shut out of Saskatchewan and failed to win a seat in Toronto. Despite the losses, the New Democratic Party emerged from the election in a position where it could hold the balance of power in a minority Parliament.

The Bloc Québécois

In 1990 former Progressive Conservative cabinet minister, Lucien Bouchard, and a handful of dissident Conservative and Liberal MPs founded the Bloc Québécois, a federal party whose aim is to achieve an independent Quebec (www.blocquebecois.org). Originally conceived as a party that would disband following a successful referendum on Quebec secession, the Bloc stunned political observers in its first election in 1993 when it emerged with 54 seats—enough to guarantee it the role of the official opposition.

During the 1995 Quebec referendum, the Bloc campaigned for the "Yes" side. After Quebecers rejected independence by a narrow margin, Bouchard left federal politics to become Premier of Quebec. The Bloc continued to contest federal elections, where it promised to defend Quebec's interests in Ottawa. Under Gilles Duceppe's leadership (1997–2011), the party fought against the Clarity Act, the federal government's attempt to codify the Supreme Court decision that Quebec cannot secede unilaterally. It denounced the federal government's interventions in matters that it considered as falling under provincial jurisdiction. The BQ lost support in the 1997

and 2000 elections but rebounded in 2004 to elect 54 MPs. The Bloc's comeback was linked to rising support for sovereignty after the disclosure of corruption in the federal sponsorship program, which the Liberal government had set up following the 1995 referendum. The Bloc maintained its status as the leading party in Quebec federal politics in 2006 and 2008, but lost official party status in the 2011 and 2015 elections.

Waning support for sovereignty, a shrinking donor base, and internal disputes about leadership and policy, had many political observers wondering whether the party had outlived its purpose. But in 2019, the Bloc defied low expectations and won 34 seats, more than enough to return it to official party status. During the campaign, Bloc leader Yves-François Blanchet, a former Parti Québécois cabinet minister, downplayed independence from Canada, asking Quebecers to send MPs to Ottawa who would fight exclusively for Quebec's interests. Blanchet also positioned the Bloc as a champion of the province's popular law on state laicity (Bill 21), which bans some public sector workers from wearing religious symbols in the workplace.

The Green Party

Since the 1970s, Green parties have been part of coalition governments in New Zealand and several European democracies. The Green Party of Canada (www.greenparty.ca) was founded in 1983, but did not elect an MP until 2011. Prior to the 2019 election, the party had just two sitting MPs, including leader Elizabeth May—an American-born lawyer, writer, and activist. The Greens have faced several challenges to winning more seats, including perceptions that they are a single issue party, a relative lack of attention from the mainstream media, and the SMP electoral system (Harada, 2006). Green parties competing at the provincial level have enjoyed some success. In 2017, the British Columbia Green Party signed a formal agreement to support the New Democratic Party minority government in that province. In 2019, Greens were represented in the legislatures of New Brunswick, Prince Edward Island, and Ontario.

In 2019, the Greens campaigned on a mix of environmental and socially progressive policies, as well as proposals for democratic reform. They called for net-zero emissions of climate-changing pollutants by 2050, cancellation of the Trans Mountain pipeline, a ban on hydraulic fracturing, new pipelines, coal, oil, and gas drilling and mining, help for unemployed workers in fossil fuel sectors, and the creation of new jobs in the green economy. Improving Canada's relationship with Indigenous Peoples, universal pharmacare, electoral reform and lowering the voting age to 16, were also part of the platform (Green Party of Canada, 2019). The Greens doubled their vote share over 2015 to 6.5 percent, and won 3 seats. However, the results fell short of expectations. May blamed New Democratic Party attack ads on Vancouver Island for hurting the party's chances to win more seats (CHEK News, 2019, October 22). Following the election, May stepped down as party leader, but will continue to sit as an MP and lead the parliamentary caucus until a new leader is chosen.

Party Organizations: Leaders, Candidates, and Members

8.4 Discuss how much influence party members have over party platforms and the selection and removal of their leaders and local candidates.

Historically, party organizations were a far cry from what we would now consider to be democratic. In the 1860s and 1870s, parliamentarians and local elites carried out most party business, and there were no extensive party organizations outside Parliament. Party leaders were selected by the parliamentary caucus or by the governor general in

consultation with party leaders (Courtney, 1973). The cabinet or party leaders worked out broad accommodations of diverse regional demands. In the electoral districts, locally prominent individuals selected candidates and offered party supporters jobs and public works contracts (Carty, 1991). After World War I, parties gradually expanded their organizations beyond Parliament and a small number of local notables. Today's party organizations are far more elaborate, and members have acquired more power to select their leaders and candidates and, to some degree, influence over the positions their party adopts.

The Structure of Political Parties

The most formalized parties have constitutions that identify their principles and objectives, the criteria for joining the party, rules for selecting candidates and leaders, and other important matters related to how they are governed. Political parties consist of a parliamentary wing composed of the party leader and caucus (the party members who hold a seat in the legislature) and an extra-parliamentary wing, which consists of party members, local electoral district associations, the national party convention, and an executive and permanent office.

Canada's federal system has influenced both the structure of party organizations and the parties that Canadians can support at election time. Some federal parties do not have provincial counterparts of the same name, and some provincial parties do not have federal counterparts. This is why some voters may belong to the same party at both levels, others may belong to a party at just one level, and others may belong to different parties at the provincial and federal levels (Carty, 2006). See Box 8-2: Worlds Apart: Federal and Provincial Party Politics.

Box 8-2 Worlds Apart: Federal and Provincial Party Politics

When federal elections are called, Canadians begin the process of weighing the pros and cons of all the parties before they decide how to vote. One of the factors that might affect their choice is their allegiance to a provincial political party. But how should they vote if their favourite provincial party does not exist at the federal level? This is the dilemma facing, for example, supporters of the Saskatchewan Party or the Coalition Avenir Québec.

The Liberals and New Democrats are the only two parliamentary parties that operate at both the federal and provincial levels. The federal Conservatives are organizationally separate from the provincial Progressive Conservative parties in Atlantic Canada, Ontario, Manitoba, and Saskatchewan, and from the British Columbia Conservative Party. Furthermore, although the Bloc works closely with the provincial Parti Québécois to promote Quebec sovereignty, there are no formal links between them.

The distinctive nature of federal and provincial party systems is reinforced by the fact that parties with the same name often operate independently of one another in federal and provincial arenas. In the Atlantic provinces and Saskatchewan,

people who join the provincial Liberal party automatically become members of the federal Liberal party, and vice versa. The same is not true in Ontario, British Columbia, Alberta, Quebec, or Manitoba, where the provincial Liberal parties are organizationally separate from the federal Liberals. The New Democratic Party is the sole party that is mostly integrated across the federal–provincial divide. Members join the party only at the provincial level and in the process become federal party members (except in Quebec).

While there can be considerable cooperation between national and provincial party activists and staff in election campaigns (Esselment, 2010), and a majority of party members in Ontario report belonging to parties of the same name at the provincial and federal levels (Pruysers, 2014), the structural divisions can make it easier for political leaders to cross partisan boundaries (Carty, 2006). During the 2008 federal election, the Progressive Conservative premier of Newfoundland and Labrador, Danny Williams, exhorted voters across Canada to vote “ABC” — “Anything But Conservative.” On the other hand, Ontario Liberal premier Kathleen Wynne actively supported Justin Trudeau and the federal Liberal party in the 2015 Canadian election.

The Extra-Parliamentary Wing

Party members are individuals who have applied to and who have paid a fee to belong to a party. All residents of Canada above a certain age specified in the party constitution may apply for membership providing they do not belong to another party at the same time. Members are eligible to participate in a variety of important activities, including selecting the local candidate who will represent their party at election time, choosing the party leader, and standing for election to be a delegate at a national party convention, where delegates decide on party policy and/or leadership matters. The New Democratic Party also offers affiliated membership to trade unions, farm groups, cooperatives, women's organizations, and other groups (New Democratic Party, 2016).

Although party membership fees are low and the rules for joining parties are inclusive—people as young as 14 years old and both citizens and non-citizens can join a party—only a tiny minority of Canadians belong to parties between elections. Furthermore, party members do not reflect the broader population. They are disproportionately male, university educated, over the age of 40, and Canadian-born individuals of European ancestry (Cross, 2004).

An **electoral district association** is the local organization of political party members. It recruits members and volunteers, raises campaign funds, elects convention delegates who will debate party policies, and nominates the candidates who will represent the party in the riding.

Party conventions are held to elect party officials and debate policy and amendments to the party's constitution. Although the vast majority of party members join a party because they believe in its policies (Cross & Young, 2006), party conventions have generally not evolved into forums where members can influence those policies. That role is jealously guarded by professional pollsters, advertising agencies, media consultants, and the leader's personal staff. The work of party members in debating and adopting policies at these conventions is often forgotten once they are over, and governing parties have traditionally been less open to providing grassroots members with a say. For example, Pierre Trudeau's first government (1968–1972) promised that policy positions adopted at the Liberal party convention would be included in the next election platform, but this did not happen (Clarkson, 1979). True to tradition, in 2008, Conservative party members had no say in Prime Minister

Party members

Individuals who have applied to and who have paid a fee to belong to a party.

Electoral District Association

An association of members of a political party in a territorial area that is represented by a member in the House of Commons.

Party Conventions

Meetings of party members that are held to elect party officials and debate policy and amendments to the party's constitution.



Arindam Banerjee/Shutterstock

The legalization of marijuana became part of Liberal Party policy after its members voted in favour of a resolution to legalize the substance.

Harper's campaign announcement about the withdrawal of Canadian troops from Afghanistan by 2011.

Party members have been more successful in influencing policy when their parties have been in opposition. The Liberal party used the period between 1958 and 1962, when it was in opposition, to develop a platform for its return to government. Much of the policy agenda the party pursued in the first years of the Pearson government originated with these consultations on social, economic, and foreign policy. Delegates to Liberal party conventions held after its crushing defeat in the 2011 election voted to make the legalization of marijuana and the decriminalization of medically assisted suicide for some critically ill patients part of party policy. After the Liberals took office in 2015, marijuana and assisted dying were legalized.

Selecting Party Leaders

One of the most important powers held by party members is the right to select their leader. It is also one of the main reasons why members say they join a party in the first place (Cross & Young, 2006). In the late nineteenth and early twentieth centuries, party leaders were chosen by members of the parliamentary caucus and the retiring leader, usually with the agreement of the governor general. The parties' desire to broaden their support base, as well as membership demands for a greater say in party affairs, has gradually led to the adoption of more inclusive and democratic leadership selection processes. In the early twenty-first century, all party members have a direct say in choosing their leader, who might become prime minister.

Until 1919, party supporters outside Parliament did not have a direct say in leadership selection. The first major change to this process occurred in 1919, when the Liberals chose Mackenzie King to succeed Wilfrid Laurier at a convention attended by thousands of delegates from across the country. In 1927, the Conservatives followed the precedent set by the Liberals, electing R.B. Bennett at a national convention. Between 1927 and 1956, leadership conventions expanded to include a larger number of delegates elected by party members in each district. While these delegate conventions allowed more party members to select their leaders, the delegates did not mirror the general population. In fact, convention delegates were mostly older males drawn from the middle and upper classes (Courtney, 1995).

By the 1960s, party members began to demand more open and representative conventions that would give grassroots supporters a stronger voice in leadership selection and party decision making. The trend toward larger conventions with designated youth, female, and Indigenous delegates continued through the 1970s and 1980s (Cross, 2004). As conventions became more inclusive, leadership campaigns became increasingly expensive because the contenders needed to mobilize a larger number of supporters. This meant that fewer leadership candidates could afford to mount a competitive campaign.

The *Canada Elections Act* does not set limits on the amount that leadership contestants can spend on their campaigns. However, they are required to report all contributions, other sources of funds, and campaign expenses to Elections Canada. Only citizens and permanent residents can make contributions of up to \$1,575 (as of 2018) in total to leadership contenders in a particular leadership contest. Both the New Democratic Party and Liberal party have voluntarily placed limits on leadership campaign expenses, but those limits are not enforceable through the Act. While competitors in recent leadership contests have spent less than in previous eras, the cost of running a competitive campaign remains high. In 2013, Justin Trudeau spent nearly \$1.5 million to win the Liberal leadership (Elections Canada, 2015). Contestants in the Conservative leadership campaign to succeed Stephen Harper were allowed to spend up to \$5 million, 10 times the New Democratic Party cap of \$500 000 (Cheadle, 2016, March 9).

The Reform Party and the Bloc were the first federal parties to use the “one member, one vote” method of leadership selection, which allows every party member to participate directly in the selection of the leader. Other parties subsequently adopted the “one member, one vote” system in response to criticisms about the inability of many ordinary party members to afford the fees to attend leadership conventions.

Since 2004, the Conservative party has used a modified “one member, one vote” method, whereby every party member can vote directly for the leader and rank the contestants in order of first, second, third preferences, and so on. Each electoral district is assigned 100 points, regardless of the number of party members voting in that district. Leadership contestants win points based on the percentage of first preferences they have received in each electoral district. To win the leadership, a candidate must obtain a majority of points from across the country. If no candidate wins a majority of support on the first ballot, then the candidate with the fewest votes is dropped from the competition, and the second-place preferences on those ballots are redistributed among the remaining candidates. This method was used to choose Stephen Harper’s successor in 2017. Following 13 rounds of voting, Andrew Scheer prevailed over runner-up Maxime Bernier and 12 other candidates.

Following a resounding election defeat in 2008, the Liberals took several steps to make the party more open and inclusive. In 2009, delegates at the party’s leadership and biennial convention voted to give every party member a direct vote in electing the next party leader, using the same type of weighted voted system and preferential ballot as the Conservatives. Delegates at the party’s 2012 biennial convention went further when they voted to create a new “supporter” class of Liberals who could vote for their next leader without even having to buy a party membership. Instead, “supporters” simply completed an application form declaring that they supported the Liberal party and were not a member of another federal party in Canada (Liberal Party of Canada, 2012). In April 2013, more than 104 000 Liberal party members and supporters cast their ballots by phone or online to select their new leader. Justin Trudeau prevailed over five competitors, winning in the first round of the preferential ballot.

The New Democratic Party also employs a “one member, one vote” system, using a preferential ballot to select its leaders. If no candidate receives 50 percent plus one of first preferences on the first ballot, then the candidate with the least support drops off the ballot until one candidate receives a majority of votes (New Democratic Party, 2016). In 2017, party members voted online and by mail to select a leader to replace



Andrew Francis Wallace/ZUMA Press/Newscom

Jagmeet Singh, the first member of a visible minority to lead a major party at the federal level.

Thomas Mulcair. Thirty-eight-year-old Jagmeet Singh, a former New Democratic Party MPP from Ontario and criminal defence lawyer, prevailed over three competitors. In doing so he became the first member of a visible minority to become the permanent leader of a major federal party in Canada.

How Do Parties Replace Their Leaders?

Until the mid-1960s, party members were stuck with unpopular leaders. There were no formal rules allowing party members to oust them, and leaders were replaced only upon their retirement or their death. This changed in the 1960s, when the Progressive Conservatives and Liberals adopted procedures that would allow the party convention to review the leader's performance.

Leadership Review

The formal process that sets out the procedures for evaluating and possibly replacing a party leader.

The procedures for **leadership reviews** are laid out in party constitutions. The New Democratic Party's constitution allows delegates at every biennial convention to determine whether a leadership election should be called. Following the party's disappointing third-place finish in 2015, delegates at a 2016 party convention voted to replace Thomas Mulcair as leader. The vote marked the first time since leadership reviews were invented that an incumbent leader had been rejected by his party.

The Conservatives' leadership review process is set into motion at the first national party convention following an election loss. Delegates vote by secret ballot on whether they wish to set a leadership selection process in motion. If more than 50 percent agree, a leadership race is called. Since 1992, all Liberal party members have had a direct say in reviewing the leader's performance. This vote takes place in every electoral district at meetings to select delegates to attend the first biennial convention following an election loss. If the leader obtains less than a majority of support, then the leader is not endorsed (Liberal Party of Canada, 2012).

The Reform Act (C-586) provides another possible way to remove a leader and choose a new one. The caucus of each party in the House of Commons can decide at its first meeting after a general election whether to adopt a process that would allow for leadership review. If it adopts this process, then a leadership review would begin at any time that a majority of caucus members votes by secret ballot to endorse or replace the leader. If they vote to replace their leader, a second ballot would be used to appoint an interim leader until a new leader has been "duly elected by the party." Presumably the procedure to choose a new leader would then follow the rules in the party's constitution.

In addition to these formal rules, members of the parliamentary wing can place informal pressure on a sitting leader to resign. In 2003, Liberal Prime Minister Jean Chrétien was pressured to resign by supporters of his rival, Paul Martin. Chrétien initially argued that his leadership could be challenged only by a vote of the party membership, scheduled for late 2003. When it appeared that he might not win the leadership review, Chrétien announced his intention to resign five months before the scheduled vote. Such was also the fate of Liberal leader Stéphane Dion. The failure of the Liberal–New Democratic Party coalition arrangement to prevent the prorogation of Parliament in December 2008 increased caucus pressure on Dion to resign immediately.

Local Candidate Selection

The ability to select a local candidate is one of the most important reasons why Canadians join parties (Cross & Young, 2006). The majority of candidate nomination processes take place in each federal election district, often before the drop of the election writ. Nominations are open to citizens aged 18 and over, and candidates are not required to live in the electoral district they want to represent. Local electoral district associations are encouraged or required to establish candidate search committees, while the central party organization screens applications from nominees and has the power to veto any individual's candidacy (Patten, 2010).

Would-be candidates try to convince the party's members and potential supporters to attend a nomination meeting and vote for them. During hotly contested nominations, a party's membership can increase immensely. On the day of the nomination meeting, local party members listen to the candidates' speeches and vote for their preferred candidate. The individual who wins majority support from those present is chosen as the party's candidate. There are almost no restrictions on who can vote in the nomination meeting, other than that voters must have purchased a membership before an established cut-off date.

Although local associations are relatively autonomous when it comes to selecting candidates (Carty, 2004), party leaders have had the final say in candidate selection since 1972. This is when the Canada Elections Act was amended to provide for the inclusion of party affiliation next to local candidates' names on the ballot. Thus, a candidate who wants to be listed on the ballot with the party affiliation must have his or her nomination papers signed by the party leader. In some circumstances, leaders have used their powers to reject candidates whom they perceive as undesirable or even to remove them after they have been nominated. Party leaders have also bypassed local nominations and appointed "star" candidates to strengthen the party's chances of winning a district or to increase the number of candidates from under-represented groups. At times, parties have also protected sitting MPs from challenges to their nomination (Patten, 2010).

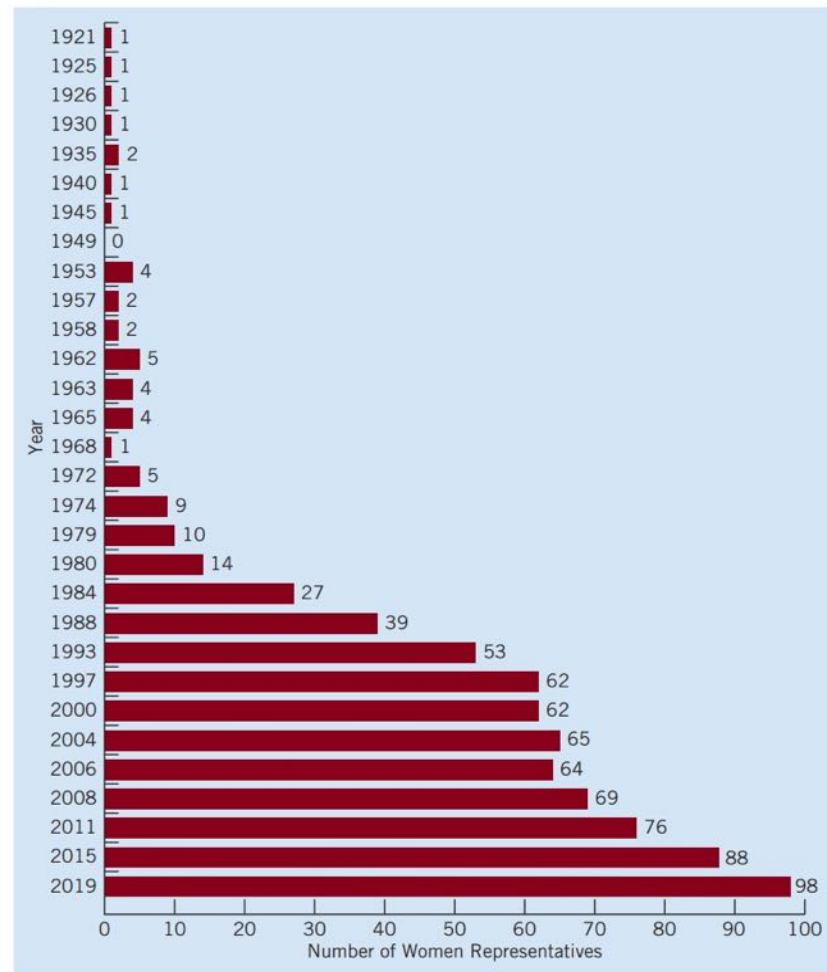
Diversity and Local Candidacies

Females, Indigenous peoples, and visible minorities, among others, have long been under-represented in federal and provincial politics, although strides towards a more representative House of Commons have been made in recent decades.

Until the 1980s, very few women had been elected to the House of Commons (see Figure 8-1). Prior to the 2019 federal election, parties stepped up their efforts to recruit more female candidates, and to provide them with informal mentoring from MPs and political organizers. The result was a record number of women running for the Liberal, Conservative, New Democratic and Green parties (Boesveld, 2019). There were variations in female candidacies across the parties. The New Democratic Party (49 percent) and Greens (46 percent) nominated higher percentages of female candidates than the Liberals (39 percent), Bloc Québécois (35 percent) and Conservatives (31 percent) (Equal Voice, 2019). A historic high of 98 women were elected in 2019, making up 29 percent of all MPs (Figure 8-1). Canada moved from 61st to 54th out of 190 countries in the global rankings of female representation in the lower House of Parliament (Equal Voice, 2019). A major impediment to the election of more women is that parties are less likely to nominate them in ridings where they have a chance of winning (Wright Allen, 2019a, October 30).

Until 2019, just 39 Indigenous MPs had been elected to the House. In recent years, Indigenous involvement in the federal electoral system has increased. A record 65 Indigenous candidates ran for office in 2019. This is an increase from the 54 who ran in 2015. The New Democrats ran the greatest number of Indigenous candidates (27), followed by the Liberals (18), Greens (11), Conservatives (5) and Peoples Party of Canada (3). Former Liberal cabinet minister Jody Wilson-Raybould, a member of the We Wai Kai Nation, sought and won re-election as an Independent (Martens, 2019, October 19; Wright-Allen, 2019, October 30). Ten Indigenous candidates (3 percent of all MPs) were elected, a number that did not budge from 2015. With about 5 percent of the population identifying as Indigenous, Indigenous Peoples continue to be underrepresented in the House.

Canada has long been a multicultural society, but the first visible minority Canadian was not elected until 1957, and it was not until 1993 when visible minorities were elected in larger numbers (Tossutti & Hilderman, 2014). As Figure 8-2

Figure 8-1 The Representation of Women in the House of Commons

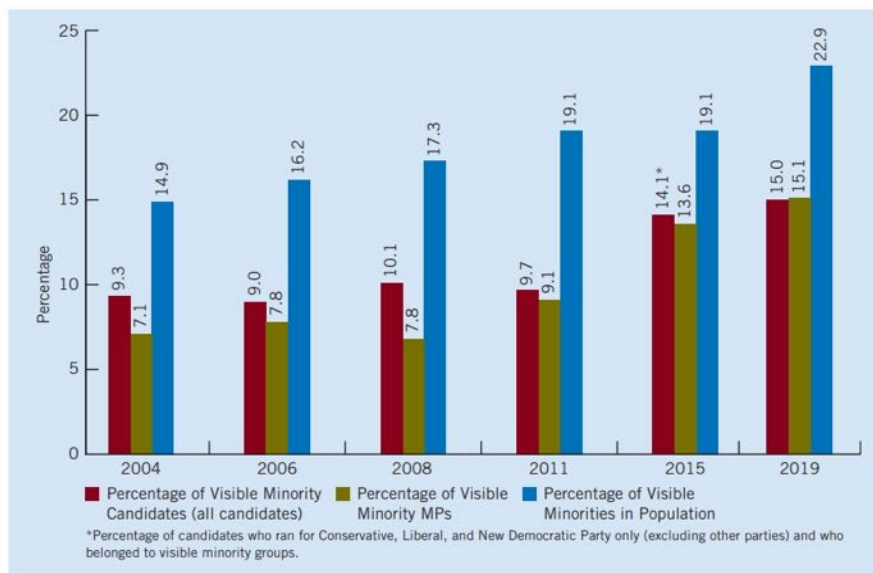
SOURCE: Compiled from Parliament of Canada. (2019). Women Candidates in General Elections Retrieved from https://lop.parl.ca/sites/ParlInfo/default/en_CA/ElectionsRidings/womenCandidates.

shows, more visible minority candidates ran for and won office in 2019 than in previous elections. About 15 percent of candidates from the main parties were visible minorities, up slightly from 2015. The New Democratic Party (24 percent) and Liberals (17 percent) fielded more visible minority candidates than the Conservatives (15 percent) and Greens (10 percent) (Paas-Lang, C., 2019, October 13). A record 51 visible minority MPs were elected, a small increase from the 47 who won in 2015. Visible minorities continue to be underrepresented when their share of the population is used as a benchmark (Figure 8-2). Liberal MP-elect Han Dong commented that parties need to “make a deliberate effort between elections to reach out to communities and get them involved in policy discussions” if they want to improve diversity (Wright Allen, 2019, October 30b).

While Canadians elected more women and visible minorities to the 43rd Parliament, MPs are typically straight, white males. Of the 74 openly LGBTQ2 candidates who ran in 2019, four were elected, down from six in the previous Parliament (Lim & Gibson, 2019, October 24).

In Canada parties have responded in different ways to the question of whether they should implement special measures to encourage members of traditionally under-represented groups to run for office. (See Box 8-3: Electing a Diverse House of Commons.) While these initiatives are some of several factors that influence the diversity of a party’s slate of candidates, parties such as the New Democratic Party and Liberals, which have adopted more proactive strategies to recruiting female candidates, tend to nominate more of them (Equal Voice, 2015).

Figure 8-2 Visible Minority Candidates and MPs in Federal Elections, 2004–2019



SOURCES: Based on Black, J. (2013). "Racial diversity in the 2011 federal election: Visible minority candidates and MPs." *Canadian Parliamentary Review*, 36(3), 21–34.

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Box 8-3 Electing a Diverse House of Commons

The 2018 mid-term elections in the United States saw a record number of women elected to Congress, including the first Native American and Muslim women, as well as more openly LGBT candidates than in any previous election (Caron, 2018, November 7).

Canadian parties have grappled with the question of how to build a House that better reflects Canada's social diversity. Of all the parties, the New Democratic Party has introduced the most clear-cut affirmative action measures. Since 1991, it has required that the party field female candidates in a minimum of 60 percent of ridings where it has a chance of winning. Moreover, in at least 15 percent of ridings where the New Democratic Party has a reasonable chance of winning, it must run candidates who reflect Canada's diversity. They include women; visible minorities; Indigenous peoples; gays, lesbians, bisexuals and transgendered individuals; people with disabilities; and Canadians under the age of 26 (Tossutti & Hilderman, 2014). The party also assigns established female politicians and party activists as mentors to women running for a nomination (McGrane, 2011).

Other parties have adopted less hands-on approaches. Liberal strategies to improve female representation have involved identifying and encouraging promising candidates to run for office, as well as providing training sessions and financial assistance for campaigns (Erickson, 1998). In 1984, the Liberals set up the Judy LaMarsh Fund, which provides

financial support to female candidates. In 1993, the Liberals changed party rules to allow the leader to bypass a nomination meeting and appoint a local candidate. Chrétien took advantage of this freedom to appoint female or visible minority candidates in certain ridings. In 2008 and 2011, Liberal party leaders established a 33 percent target for female candidacies.

In 2015, a group of women involved with the Liberal party launched a digital campaign inviting Canadians to nominate women they believed would make strong candidates. After receiving hundreds of nominations, the party followed up with about 200 women who expressed some interest. About one-third of the party's candidates in 2015 were women. During the election, Liberal leader Justin Trudeau also pledged that women would make up 50 percent of his cabinet, a promise that was fulfilled after his party took office. In contrast, the Conservative party does not make use of special initiatives to increase the number of candidates from under-represented groups, on the grounds that quotas are not the answer.

The different approaches raise questions about the best way to build a more socially diverse House. Although progress has been made, women, Indigenous peoples, visible minorities and other groups, including young people, remain under-represented in the House. If existing initiatives have not worked to date, what else might?

Summary and Conclusion

Political parties perform vital roles in Canada's representative democracy. They have succeeded in organizing campaigns and recruiting candidates and leaders, albeit individuals who do not fully reflect Canada's social diversity. They have evolved into more inclusive and democratic organizations that provide their members with opportunities to select key officials and influence policies. However, low rates of party membership and strong party identification suggest that their power to engage Canadians in the political life of the country is limited. As well, to what degree parties offer their members meaningful opportunities to influence policies and the selection of key personnel is debatable. Party members have little influence over the policies and decisions that are adopted when their party is in government. Party leaders and their advisers still wield the ultimate authority over campaign platforms and the suitability of local candidates. Although parties have made strides in diversifying the candidates they field at election time, Parliament still does not reflect Canada's social diversity.

Since Confederation, party competition has transformed from a two-party system to a multi-party system,

although recent electoral results suggest a possible return to the two-and-a-half party system. The most successful parties in Canadian history have generally adopted centrist platforms that bridge the many social cleavages in the country. Minor parties representing regional, linguistic, class, or environmental interests have emerged to challenge the older parties, but the electoral system has limited their ability to translate popular support into more parliamentary representation and, ultimately, governing power. The larger parties are increasingly adopting political marketing techniques to identify potential supporters, set the issue agenda, and raise money.

Parties have responded to changing political and social circumstances by adapting their policies, organizational structures, and campaign techniques. But in an era of electoral volatility, citizen disillusionment with elites, and global social movements that have captured the imagination of younger generations, the ability of Canadian parties to survive and thrive in the twenty-first century will hinge upon their ability to meet the expectations of a diverse population for democracy and good government.

Discussion Questions

1. What role do political parties play in a representative democracy? Are they necessary for democracy?
2. Is populism a significant political phenomenon in Canada?
3. Why do a small number of Canadians join parties? What can parties do to engage citizens in party politics?
4. Do political parties offer Canadians distinct policy choices?
5. Why have some political parties enjoyed more electoral success than others?
6. Who should have the final say in removing an unpopular party leader—the parliamentary caucus or party members?
7. Have political parties given their members enough influence over important decisions?
8. Should political parties strive to increase the presence of females and visible minorities in Parliament? If so, how should they go about it? If not, why not?

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Chapter 9

Elections, the Electoral System, and Voting Behaviour



These two young teens protesting against debt clearly demonstrate their interest in the political process. Should this earn them the right to vote earlier than age 18?



Learning Objectives

After reading this chapter, you should be able to

- 9.1** Outline the rules and procedures for conducting elections.
- 9.2** Understand the principle of representation and Canada's single-member plurality electoral system.
- 9.3** Assess the benefits of other electoral systems.
- 9.4** Understand how election campaigns work and how they are financed.
- 9.5** Discuss what motivates voters in their electoral choices.

For many Canadians, the very mention of jail conjures up images of barred windows, barbed wire, sullen inmates, and snarling German shepherds. Less common is the image of prisoners casting their (mail-in) ballots to elect Members of Parliament.

In the past, prisoners were stripped of the right to vote; however, in 1992, court rulings struck down this provision. In response, Parliament amended the Canada Elections Act, limiting the franchise to prisoners who were serving a sentence of less than two years. However, in 2002, the Supreme Court of Canada struck down this provision in a narrow 5–4 vote.

Not everyone agreed with this ruling, arguing that those who committed serious criminal offences have forfeited their right to vote. In the opinion of the majority of Supreme Court justices, however, “To deny prisoners the right to vote is to lose an important means of teaching them democratic values and social responsibility ... Denial of the right to vote on the basis of attributed moral unworthiness is inconsistent with the respect for the dignity of every person that lies at the heart of Canadian democracy and the Charter” (*Sauvé v. Canada*, 2000, quoted in Courtney, 2004, p. 38). The Conservative Party questioned the wisdom of this ruling and promised, in its 2006 election platform, to pursue a constitutional amendment “to forbid prisoners in federal institutions from voting.” However, the Conservative government did not pursue this election promise.

At what age individuals deserve the right to vote is another hotly disputed topic. Canada, like most other countries, has adopted 18 as the minimum age to vote. However, some argue that the minimum age should be lowered to 16. Advocates argue that this would help to encourage young people to get involved in the political process, that youth are affected by the decisions of government, and that many young people are interested in and knowledgeable about politics. After all, they point out, 14-year-olds can become members of political parties and vote for their party’s leader, and 17-year-olds can join the Armed Forces. In contrast, critics claim that young people generally lack maturity and have a low level of interest in and knowledge about politics and government. In 2005, the House of Commons rejected a private member’s bill that proposed lowering the voting age to 16.

The right of all citizens to vote is a fundamental principle of democracy. Are any exceptions to this principle justified? Is a violent criminal who is politically aware more deserving of this right than a politically apathetic 16-year-old with a clean record?

Chapter Introduction

Free and fair elections are the cornerstone of democracy. When casting our ballots, we are exercising a hard-won right: to participate in the selection of an individual to represent our electoral district in the House of Commons. Since most of those elected represent a political party, our vote also contributes not only to the election outcome (i.e., which party will form government), but also to determination of which party leader will become prime minister. During elections we have a conversation about the kinds of issues that are important to us, dissecting party platforms and scrutinizing the incumbent’s performance. Elections also provide an opportunity for competing parties to present policy proposals that they hope will be more attractive to voters. The belief that an election has been won fairly is essential in conferring legitimacy on the winning party. In a democracy, even those who have voted against the victors accept the result and respect their right to govern.

The choice of electoral system is regarded as one of the most important institutional decisions for any country, as it has a profound effect on its political life (ACE, 2005). In this chapter, we examine how elections are conducted and look at the **electoral system** that translates the votes we cast into the representation of political parties in the legislature. As well, we discuss the campaigns organized by parties and candidates as they try to sway voters. Finally, we summarize some of the research revealing why people vote the way they do. As you read this chapter, consider the extent to which Canadian elections are effective in implementing the democratic ideal of rule by the people.

Electoral System

The system by which the votes that people cast are translated into the representation of political parties in the legislature.

The Rules of the Game

9.1 Outline the rules and procedures for conducting elections.

Fair and Democratic Elections

Several conditions must be met for an election to be fair and democratic. Voters must be adult citizens with a reasonable opportunity to cast their ballots. There should be no barriers to adult citizens running for office or for political parties to nominate candidates and campaign on their behalf. Voting is secret to prevent bribery or intimidation, and each vote counts equally. An impartial organization administers elections and the counting of votes. The process of voting and counting ballots can be witnessed by candidates and parties; they have a right to demand a recount. During the campaign, parties and candidates have a reasonable opportunity to carry their message to voters.

Voting

The franchise was limited in the past, as discussed in Chapter 6. Women; those who did not own a certain amount of property; Indigenous people; and various ethnic, racial, and religious minority groups were denied the right to vote and to seek public office. Almost all restrictions were removed by 1960, and in 1970, the minimum voting age was dropped from 21 to 18. The right to vote is guaranteed constitutionally through the Charter of Rights and Freedoms, 1982. In practice, however, requirements for the identification needed to vote can create problems, particularly for the homeless, Indigenous people, and students.

Most voters cast a ballot at accessible polling stations in their neighbourhood. Elections Canada is responsible for the voting procedures as well as for hiring and training staff. Representatives of candidates are present throughout the day to observe the casting and counting of ballots, thus boosting confidence in the integrity of the process.

Until 1997, armies of enumerators went door to door after the election writ was dropped, registering voters for inclusion on a temporary voters' list for the election. This process had its weaknesses: it was open to abuse as these were patronage positions, but as both leading parties in the riding designated an enumerator, the likelihood of cheating was reduced; the campaign had to be about two months long to allow for the voters' list to be completed (Landes, 2002). When the voters' list was constructed via the enumeration process, the onus was not on the voter to ensure that her or his name was on the list. Canada now uses a National Register of Electors, which is updated with information collected from such sources as income tax returns, postal change of address forms, and motor vehicle registrations. To vote (or to be registered at the polling station), an individual must present valid photo identification that includes the voter's residential address.

Elections Canada makes every effort to enable individuals to vote by making the process convenient and accessible to as many voters as possible. Voters who cannot make it to the polls on election day have options to vote through advance polls or mail-in ballots. There are also provisions for those who are ill, disabled, or in jail. Employees are entitled to three hours off to enable them to cast a ballot. However, this applies only if they do not have three consecutive hours before or after their shift while the polling stations are open.

Elections are usually held on a Monday, but former Chief Electoral Officer Marc Mayrand has recommended that the government consider holding elections on a weekend as they do in Australia and New Zealand (Elections Canada, 2016e). He argues that it would be much easier to recruit the number of qualified people necessary to operate polling stations and it would be more convenient for voters. Voting

Voters waiting to cast a ballot at a polling station.



James MacDonald/Bloomberg/Getty Images

is compulsory in Australia, but “E-Day” is a day to celebrate democracy, with bake sales and “democracy sausages” on offer at polling stations. These are usually located in schools or community centres, providing fundraising opportunities for organizations. Australians can vote at a polling station of their choosing, and that choice might depend on the culinary delights listed on a website.

Canadian elections are run by an independent, non-partisan agency of Parliament, Elections Canada. The chief electoral officer is appointed through a resolution of the House of Commons, holds office for a single 10-year term, and can be removed only for cause by the governor general after a joint address of the House of Commons and Senate. For more information about Elections Canada, visit www.elections.ca.

The need to modernize the electoral process has led to the adoption of digital tools such as scanners (for voter information cards), electronic poll books (replacing cumbersome paper voters’ lists), and vote tabulation machines to streamline the voting process. Elections Ontario tested electronic poll books and vote tabulators to count ballots in the 2018 provincial election (Elections Ontario, 2018). Other provinces, including New Brunswick, Nova Scotia, and Alberta are either using some of these tools or testing them in pilot projects (Elections Saskatchewan, 2016). Municipalities in Ontario and Nova Scotia have been given the option of employing e-voting since 2003, and an increasing number have chosen this tool.

The increased use of technology in the modernization process renders elections extremely vulnerable to hacking. It took an 11-year-old boy less than 10 minutes to hack into Florida’s state election website and alter the results of an election (CBC News, 2018, August 14). He was a “white hat hacker” uncovering vulnerabilities in the system so they could be fixed. For state-sponsored hackers with malevolent intentions, the task might be completed even quicker.

In the United States, many states use voting machines that not only lack a paper trail but can be tampered with quite easily. Researchers at Princeton University picked the lock on a voting machine in seven seconds, demonstrating that they could replace the machine’s chip with a malicious one within minutes (*Washington Post*, 2018). This led the paper to call for an end to “America’s foolish experiment with digital voting processes” and a return to “good old-fashioned paper.”

In 2009, Germany abandoned electronic voting when the German Federal Constitutional Court ruled that because meaningful public scrutiny of the vote

Box 9-1 Online Voting: A Primer

Given the widespread use of digital technology in other spheres of our lives, many Canadians believe **online voting (or e-voting)** is preferable to the current process, which seems so last century. Many wonder why we cannot sit in the basement in our pyjamas and cast a ballot. This is an attractive proposition, but the price we pay for such accessibility could be steep.

Online voting is a system “where obtaining ballots, casting votes or counting votes in political elections and referendums uses an Internet connection” (Government of Canada, 2017). Although digital technology is already being used in elections to make the process more efficient, online voting has not been used at the federal level. It has been deployed in some places at the municipal level since 2003 and is being widely used in Ontario. Some Indigenous groups also employ online voting for chief and council elections. Voting can take place in a supervised environment such as a polling station, a partially supervised location such as a kiosk in a mall or library, or an unsupervised environment with the use of a computer, tablet, iPad, or cell phone (Government of Canada, 2017). Not surprisingly, there are pros and cons to online voting, which include the following (Institute for Democracy and Electoral Assistance, 2011):

Advantages

- Convenience and accessibility
- Faster counting and tabulation
- Efficient handling of complicated formulas in complex electoral systems
- Cost savings
- Reduction of spoiled ballots

Disadvantages

- Lack of transparency
- Security threats

- Risk of manipulation/fraud by insiders
- Limited recount possibilities
- Lack of trust in the system

There are other problems associated with voting on a computer: an estimated 20 percent of personal computers have various viruses, “worms,” “spyware,” or “Trojan horse” applications that could compromise the reliability of the voting process (ACE, 2012a). Trust and confidence in the electoral process are absolutely essential. If there are suspicions about the integrity of the vote this would undermine confidence in democracy itself.

Prince Edward Island was the first to hold a province-wide online ballot when Islanders voted in a plebiscite on electoral reform in November 2016. In another first, the franchise was expanded to include 16- and 17-year-olds. Voters could vote on the Internet, by telephone, or in person, but most chose the first option. Turnout was disappointing because only 37 percent of voters chose to cast a ballot in a province where the turnout is usually over 80 percent (Elections PEI, 2016). This was not a ringing endorsement of online voting, although it seems to be a popular concept. Despite expectations that e-voting would increase the youth vote, it is mainly used as a tool of convenience among middle-aged voters who would exercise their franchise anyway (Archer, Beznosov, Crane, King, & Morfitt, 2014).

In 2016, a clear majority of Canadians (77 percent) were very or somewhat likely to vote online (Ekos Politics, 2016). When the potential for breaches of privacy and security is raised, Canadians are split down the middle, with 49 percent of respondents unfazed by this prospect and 51 percent preferring a paper ballot. That almost half the population is willing to accept tainted election results testifies to the fact that the siren call of the digital world is too seductive to resist.

was impossible, electronic voting was unconstitutional (Schwartz & Brice, 2013). Despite security issues that have arisen as a result of the digital tools used in elections, it is unlikely they will be abandoned, because of the increased efficiencies that result (see Box 9-1: Online Voting: A Primer). As well, few would want to be labelled “techno-peasants” by recommending a return to the horse-and-buggy era!

As part of Elections Canada’s attempts to make voting convenient and accessible for all electors, it conducted a pilot project for the 2015 election, allowing students at 39 colleges and universities to vote on campus and Indigenous Peoples to vote at 13 friendship centres (regardless of their permanent residence). This contributed to a large increase in voting by students and Indigenous people. Elections Canada is exploring options to expand the project in the next election to other groups that face voting barriers (Elections Canada, 2016c). Other changes to the Canada Elections Act are designed to modernize the way future elections are conducted and operated. (See Box 9-2: Modernizing Elections.)

Online/E-voting

Casting a ballot over the Internet at a polling station, from a home computer, or on some other electronic device.

Box 9-2 Modernizing Elections

Every so often, governments amend legislation to address emerging issues or to correct problems. The 2015 election revealed problems that have been addressed in Bill C-76 (Government of Canada, 2018d) and other provisions that relate to updating the electoral process with digital technology. The Bill is more than 300 pages long but changes include the following:

- Reinstating the Voter Identification Card, which constitutes a piece of identification
- Returning to the practice of vouching
- Restricting the length of a federal election to 50 days
- Regulating a pre-writ period that will start June 30 in an election year
- Introducing spending limits during the pre-writ period for political parties and third parties and requiring them to identify themselves in partisan advertising
- Restoring the right to vote for Canadian citizens who have lived outside Canada for at least five consecutive years

- Inserting provisions to enhance security, including making interference with the electoral process an offence and giving the Commissioner of Canada Elections the power to lay charges and compel testimony
- Prohibiting organizations that sell advertising from knowingly accepting election ads from foreign actors
- New measures to crack down on the “unauthorized use of computers” to interfere with computer data during elections

While the changes have been welcomed, critics point out that curtailing advertising may not survive a constitutional challenge. There are also concerns about the personal information collected, used, and disclosed by political parties. They are required to have a privacy policy and publish it, but there is no monitoring or oversight by an independent body.

The Timing of Elections

The Constitution decrees that the House of Commons (and provincial/territorial legislatures) cannot continue for more than five years without holding a general election. An exception is allowed in times of real or apprehended war, invasion, or insurrection. The prime minister recommends to the governor general when a Canadian election is to be called. When the governing party loses the confidence of a majority in the House of Commons (e.g., if the opposition parties pass a non-confidence motion or if a major piece of government legislation, such as a budget, is defeated), the prime minister will ask the governor general to dissolve Parliament and call an election. A prime minister can also ask the governor general to call an election at a time that the prime minister chooses.¹

In 2007, the procedure for calling national elections was modified by legislation requiring that elections be held on the third Monday in October every four years. Similar legislation exists in all provinces except Nova Scotia and two territories: Yukon and Nunavut. The adoption of fixed election dates has not prevented elections from being held at an earlier date. However, “the power of the governor general to dissolve Parliament at the governor general’s discretion” was retained. The first election should have been held in October 2009. However, on two occasions, in 2008 and 2011, the Harper government approached the governor general prematurely to dissolve Parliament and call an election. While some flexibility is desirable in a parliamentary system, some argue that the governor general should not agree to call an early election unless other options (such as the willingness of other parties to form or support a different government) have been considered.

Running for Office

Candidates must have their nomination papers signed by at least 100 eligible voters (50 in some remote areas), appoint an official agent and auditor, and pay a (refundable) deposit of \$1000. Realistically, an independent candidate’s chances of success in an election are remote, so individuals most often seek nomination by a major political party to run as the party’s nominee in an electoral district. The party affiliation appears alongside the candidate’s name on the ballot.

¹ The governor general has the right to refuse the prime minister’s request for an election and can call on another Member of Parliament to form a government. (See Chapter 13.)

Similarly, a party must meet several criteria to be recognized as a registered party eligible to contest elections. Its application must be supported by 250 eligible voters, and it must run at least one candidate in each general election. In addition, it must have a leader, three officers, an auditor, and a chief agent.

Representation and the Electoral System

9.2 Understand the principle of representation and Canada's single-member plurality electoral system.

Canada elects Members of Parliament via a **single-member plurality electoral system (SMP)**, also referred to as the first-past-the-post system. During the 2015 election, Justin Trudeau committed to changing the current system in time for the 2019 election, but electoral reform is no longer a priority for the Liberals. SMP involves electing one representative from each electoral district (also known as a constituency or riding). The candidate who wins the most votes, not a majority of the vote, is elected.

Composition of the House of Commons is based, in part, on the principle of representation by population. Strictly speaking, this would mean that each electoral district should have about the same number of people, but given Canada's geography and skewed population distribution, this is difficult. In recognition of these limitations, the principle of effective representation has been embraced. The Supreme Court ruled that Section 3 of the Charter of Rights and Freedoms (the right to vote) did not guarantee absolute voter parity. Instead, as its purpose was to ensure effective representation in legislatures, relative voter parity is justifiable to accommodate factors such as geography, community history, and community interest (MacIvor, 2013). Deviations of plus or minus 25 percent from the average constituency populations are therefore permitted in Canadian electoral boundaries legislation to accommodate the reality of population density in cities and sparsity in rural and northern areas (Johnson, 1994).

Dividing the country into electoral districts is a complex and sometimes contentious process. The Constitution requires readjustments of electoral districts to reflect population changes after the comprehensive census that is conducted every 10 years. The number of seats allocated to each province is generally in proportion to its population. However, the Constitution modifies this principle by specifying that no province can have fewer seats in the House than its number of senators. As a result, Prince Edward Island elects four members to the House, even though its population of less than 200 000 would justify only a single member. As well, the Representation Act, 1985 guarantees that a province will have no fewer seats than it had in 1976, or in the period between 1984 and 1988, even if its population dwindles or does not grow as fast as that of the rest of the country. The three territories are guaranteed one seat each. Guarantees of minimum representation for certain provinces and each territory might be considered a violation of the principle of equal representation by population. However, it can be argued that in a federal system it is important that each province and territory receives adequate representation in Parliament (Courtney, 2004).

Legislation adopted in December 2011 moved closer to provincial representation by population by increasing the total number of representatives from 308 to 338. Using population figures from the 2011 census, Ontario gained 15 members in the House of Commons, Alberta and British Columbia 6 each, and Quebec 3. Quebec's representation is almost proportionate to its share of population, while Ontario, British Columbia, and Alberta continued to be slightly under-represented. For example, Ontario, with 39 percent of Canada's population, has 36 percent of the seats in the House of Commons.

Until 1964, the design of electoral districts was the responsibility of Parliament. This frequently resulted in **gerrymandering**—the drawing of boundaries for partisan advantage, particularly to the advantage of the governing party (Courtney, 2004). It is now carried out by a three-member independent boundary readjustment commission for each province, chaired by a judge, with the other members chosen by the Speaker of the House of Commons. Both the public and Members of Parliament have

Single-Member Plurality Electoral System (SMP)

An electoral system in which voters in each district elect a single representative. The candidate with the most votes is elected, regardless of whether that candidate received the majority of votes.

Gerrymandering

The drawing of boundaries for partisan advantage, particularly for the advantage of the governing party.

an opportunity to voice their opinion about proposed changes to the electoral districts. However, the commission makes the final decision.

Each commission is expected to draw the boundaries of electoral districts so that each is as close as possible to having the same number of residents. As mentioned above, they also have to take into account existing communities and territorially based “communities of interest.” In these exceptional circumstances, deviations of plus or minus 25 percent from the average population in an electoral district are permitted. For example, the very large electoral district of Labrador (which is separated geographically and in terms of cultural characteristics from the rest of the province) has a population of less than 26 000, about one-third of the average population of Newfoundland’s six other electoral districts. In 2003, the Federal Court overturned a redistribution of federal seats in New Brunswick because the N.B. boundary readjustment commission did not protect the representation of the province’s francophone communities (Thomas, Loewen, & MacKenzie, 2013).

The Electoral System

An electoral system has three defining components that have a profound effect on who governs. The first is **ballot structure** (i.e., how voters express their preferences); second is **district magnitude**, which refers to the number of seats in riding; and finally there is the **electoral formula**, which is the process by which votes are counted and used to assign seats in an electoral system (ACE, 2005).

The way voters are presented with choices varies according to how the ballot is structured (i.e., a categorical or ordinal option). In Canada’s SMP system with its a categorical choice, voters vote for only one candidate. In other systems, voters must rank candidates in order of their preferences.

District magnitude refers to the number of legislative seats assigned to a district. Canada is at one end of the spectrum, with single-member districts, whereas Israel and Holland, where the entire country is a single electoral district, are at the other end (ACE, 2012b). Countries that have multi-member constituencies fall somewhere in between.

The third component is the electoral formula, which spells out the rules on how a winner/winners in a district will be determined. This is simple and straightforward in countries which use single-member districts: whoever receives a plurality or a majority of the votes is the winner. For any system which utilizes proportional representation, the process is more complex employing different mathematical formulas to allocate seats: either to ensure rural/urban balance or guaranteed representation of minorities (ACE, 2005).

These ground rules dictate the outcome of the elections in a jurisdiction, and, depending on the choices that are made, some groups benefit while others are disadvantaged.

Canada’s method of electing members to the House of Commons and provincial legislatures, the **single-member plurality electoral system (SMP)**, has provoked considerable criticism and proposals for change. SMP does not accurately translate the votes that are cast for each party into the representation each party receives in a legislative body. Typically, the party that receives the most votes ends up with a larger proportion of seats than the proportion of the vote it received. This can result in a **majority government** (i.e., one with a majority of seats) even when the majority of votes went to other parties. For example, in the 1993, 1997, and 2000 elections, the Liberal Party received only about 40 percent of the votes cast yet emerged with a comfortable majority of seats. Likewise, the Conservative Party won a majority of seats in the 2011 election based on 39.6 percent of the votes cast, and the Liberal Party won a majority of seats in the 2015 election based on 39.5 percent of the votes.

Occasionally, the party that receives the most votes does not win the most seats. The 2019 election provides the most recent example of this phenomenon. (See Table 9-1.) The Conservatives received the greatest share of the popular vote, 34.4 percent, but won only 121 seats, which equals 35.5 percent of the total vote. With only 33.1 percent of the vote the Liberal Party won more seats than any other party, 157 seats, representing 46.4 percent of seats in the House. Despite receiving nearly a quarter of a million votes fewer than the Conservatives, the Liberals formed a minority government.

Ballot Structure

The way the ballot is organized, requiring an X beside one candidate’s name or a ranking of choices available to a voter.

District Magnitude

The number of legislative seats allocated to a constituency.

Electoral Formula

The process by which votes are tallied and used to assign seats

Majority Government

A governing party that has a majority of seats in the House of Commons, regardless of whether it received a majority of votes in an election.

Table 9-1 The Impact of the SMP Electoral System, 2019 Canadian Election

Party	Vote %	Seats %
Liberal	33.1	46.4
Conservative	34.4	35.8
New Democratic Party	15.9	7.1
Bloc	7.7	9.5
Green	6.5	0.9
Independent	0.4	0.3
People's Party	1.6	0
Other	0.4	0

SOURCE: Based on preliminary results reported by Elections Canada (2019, October 28).

SMP discriminates against smaller parties, particularly those whose support is spread relatively evenly across the country. For example, since its founding in 1961, the New Democratic Party has received a smaller proportion of seats in the House of Commons than its proportion of the vote in every election except 2011. With almost a million votes in 2008, the Green Party failed to win a single seat; in 2019, the party won 3 seats, but it received 6.5 percent of the vote. The People's Party of Canada was shut out in spite of receiving 1.6 percent of the vote.

The SMP electoral system also tends to exaggerate the regional character of political parties. A momentous example of the way the electoral system distorts election results occurred in the 1980 federal election. Despite receiving over 22 percent of the vote in Saskatchewan, Alberta, and British Columbia, the Liberals were completely shut out of seats in the three westernmost provinces. This representational vacuum coincided with prolonged battles over constitutional issues and energy prices, which affected them the most. The conflict culminated in the imposition of the National Energy Program (NEP) by the federal government in October 1980 at a time when none of these provinces had any representation in the House of Commons. The NEP spawned the strongest separatist movement in Alberta's history and led to the victory of a candidate from a separatist party, the Western Canada Concept, in a provincial by-election in 1982 (Dyck, 1996). Regional grievances are magnified and the legitimacy of the national government is questioned when the region has no voice in cabinet or the floor of the House. The electoral system provides perverse incentives to parties that have a strong base in a particular region to exploit divisions for political gain. Areas where a party is weak may be "written off" (Cairns, 1968), while areas where it is strong might be taken for granted.

Voter preferences are reflected very poorly by SMP, producing a legislature that is dominated by traditional parties and freezing out most smaller parties. Given the deficiencies of SMP, one may well ask why we have clung to it for so long. Supporters point out that it is simple, familiar, and efficient and that it produces stable and accountable governments. Accountability is perhaps the greatest strength of SMP electoral systems and its most cherished principle (Dutil, 2017). SMP delivers accountability because there is no need to compromise with coalition partners behind closed doors. Although many Canadians are unhappy with the status quo, voters in countries that have **proportional representation (PR) systems** have issues too. In such multi-party systems, a single party rarely receives enough votes to form a majority government, and negotiations among parties might drag on for months before a government is formed. Canadians usually know the results of the election before they go to bed!

Whether these strengths outweigh the weaknesses is a matter of opinion. In addition to producing false majorities (when a party receives a majority of seats with less than a majority of the popular vote), a system where only one candidate is elected in each district reduces the chance of electing MPs with diverse viewpoints or who hail from traditionally under-represented groups. Supporters of SMP have countered that the historic numbers of women, Indigenous people, and Muslims elected in 2015

Proportional Representation System

An electoral system in which the proportion of seats a party receives in the legislative body reflects the proportion of votes the party obtained.

demonstrate that the current system does not necessarily preclude the election of a more representative Parliament (Dutil, 2017).

Reforming the Electoral System

9.3 Assess the benefits of other electoral systems.

Dissatisfaction with the single-member plurality system had triggered a flurry of interest in reform in five provinces. British Columbia, New Brunswick, Ontario, Prince Edward Island, and Quebec all embarked on initiatives to reform their electoral systems in 2003. None has borne fruit, but the quest for reform is alive in British Columbia and Prince Edward Island and among supporters across the country who are hoping the federal Liberals will revisit the issue. (For more information, visit Fair Vote Canada at www.fairvote.ca.) The Liberals have shelved electoral reform because, in their judgment, Canadians have lost interest in this matter. The prime minister also maintained that proportional representation would divide Canadians and “exacerbate small differences in the electorate” (CBC News, 2018, February 1).

Is there a case for changing our electoral system? Many believe that there is, but when looking at possible alternatives, it should be stressed that there is no perfect or neutral electoral system. Each has strengths and weaknesses, and each produces winners and losers. The perennial complaint about SMP is that it does a poor job of translating votes into seats despite the stability and accountability it produces.

Many of those advocating reform favour some version of a proportional representation system, particularly the mixed-member proportional system. A proportional representation (PR) electoral system has more than one member elected in each riding, so each party runs as many candidates as there are seats in that district. Unlike SMP, proportional representation (PR) systems reduce the disparity between votes received and legislative seats obtained by ensuring that a party that receives 30 percent of the vote will have roughly 30 percent of the seats. Voter turnout tends to be somewhat higher in countries with PR systems, because every vote counts toward the number of representatives a party gains. Countries that use PR are generally multi-party systems with parties representing diverse views and interests, thus providing more choices to voters. In PR systems, women and members of minority groups have a better chance of being elected. Because each party draws up a list of candidates for election, each party will likely find it advantageous to ensure that its list presents a representative set of candidates.

There are variations of the PR list system, and, depending on the version that is adopted, the role played by political parties is enhanced or diminished. In a **closed list proportional representation system** voters must vote for the party, which is then awarded seats according to the percentage of the votes it receives in an electoral district (ACE, 2005). If there are six seats in the district and the party receives 50 percent of the vote, the first three candidates listed from that party will be declared winners. In such a system, positioning on the ballot is crucial and gives parties a great deal of control over candidates. An **open list** system offers voters a degree of choice by allowing them to ignore the party’s ranking and choose candidates in the order they prefer. While a closed list give parties a great deal of power, it also enables them to promote under-represented groups by placing their candidates high on the list. The downside of an open list system is that candidates within a party are competing with each other, so it has a negative effect on party solidarity.

Countries with PR systems (such as Sweden, the Netherlands, and Spain) almost always feature governments based on a coalition of parties, as it is unusual for one party to win a majority of votes when a number of competitive parties compete in an election.²

Canada’s SMP system creates an “artificial” majority for one party, but PR systems produce coalition governments that require two or more parties to share power

Closed List PR System

An electoral system in which voters must accept the party’s ranking of candidates on its ballot list.

Open List PR System

An electoral system in which voters do not have to accept the ordering of candidates presented by the party but can rank them in any order they choose.

² Most countries with PR (or MMP) systems set a minimum percentage that a party must obtain to receive representation.

to deliver stable and effective government. There are problems with PR, such as the disproportionate power wielded by marginal parties and the potential for multiple parties representing regional and sectional interests to find a permanent place on the political landscape (Dutil, 2017). The original platforms of coalition partners might be altered beyond recognition due to the compromises that must be made. In some countries, this has resulted in instability; in others, parties have realized that they need to cooperate with other parties to form a stable coalition.

In a **mixed-member proportional system (MMP)**—used, for example, in Germany, New Zealand, and Scotland—voters cast two ballots: one for the candidate they prefer and one for the party they prefer. Candidates who get the most votes in their electoral district are elected, but others are selected (based on their position on their party's list) so as to make the overall representation of the parties in the legislature reasonably proportional to the votes received by each party in the election.³ In Canada, this system has been advocated by the New Democratic Party.

Preferential voting, or the alternative vote (AV), also known as instant runoff voting, and ranked ballots, involves voters ranking candidates in order of preference. If no

Mixed-Member Proportional System (MMP)

An electoral system in which voters cast one vote for the party they prefer and one vote for the candidate they prefer. Some legislators represent the district in which they received the most votes, while other legislators are selected based on the proportion of votes received by their party.

Preferential Voting

An electoral system in which voters rank candidates in order of preference. If no candidate receives a majority of first preferences, the second preferences of the candidate with the least votes are added to the votes of the other candidates. The process continues until one candidate has a majority.

OFFICIAL MARK

[Consecutive Number]

YOU HAVE 2 VOTES

PARTY VOTE

Explanation
This vote decides the share of seats which each of the parties listed below will have in Parliament. Vote by putting a tick in the circle immediately after the party you choose.

Vote for only one party

LABOUR	<input type="radio"/>
ACT NEW ZEALAND	<input type="radio"/>
NATIONAL	<input type="radio"/>
ALLIANCE	<input type="radio"/>
THE GREENS, THE GREEN PARTY OF AOTEAROA/NEW ZEALAND	<input type="radio"/>
NZ FIRST	<input type="radio"/>
ROC	<input type="radio"/>
CHRISTIAN DEMOCRATS	<input type="radio"/>
UNITED NZ	<input type="radio"/>
CHRISTIAN HERITAGE PARTY OF NEW ZEALAND	<input type="radio"/>
McGILLICUDDY SERIOUS	<input type="radio"/>
TE TAWHARAU	<input type="radio"/>
REPUBLICAN PARTY	<input type="radio"/>
DEMOCRATS	<input type="radio"/>
	<input type="radio"/>
ADVANCE NZ	<input type="radio"/>
CONSERVATIVE	<input type="radio"/>
SOCIAL DEMOCRATS	<input type="radio"/>
SUPERANNUITANTS PARTY	<input type="radio"/>
	<input type="radio"/>
	<input type="radio"/>
	<input type="radio"/>

[Insert party logo (if registered) to the left of the name of the party.]

ELECTORATE VOTE

Explanation
This vote decides the candidate who will be elected Member of Parliament for the [insert name] ELECTORATE. Vote by putting a tick in the circle immediately before the candidate you choose.

Vote for only one candidate

ALLEN, Fred LABOUR	<input type="radio"/>
BARKER, Mary ACT NEW ZEALAND	<input type="radio"/>
DENIS, Alistair NATIONAL	<input type="radio"/>
ELLIS, John ALLIANCE	<input type="radio"/>
GREIG, Tony THE GREENS, THE GREEN PARTY OF AOTEAROA/NEW ZEALAND	<input type="radio"/>
ILLOTT, Anne NZ FIRST	<input type="radio"/>
MARTIN, Hamish ROC	<input type="radio"/>
NEMETH, Elizabeth CHRISTIAN DEMOCRATS	<input type="radio"/>
OSBERT, Sebastian UNITED NZ	<input type="radio"/>
PEOPLES, Wendy CHRISTIAN HERITAGE PARTY OF NEW ZEALAND	<input type="radio"/>
QUENTIN, Oliver McGILLICUDDY SERIOUS	<input type="radio"/>
RAWIRI, Whare TE TAWHARAU	<input type="radio"/>
ROSS, Arthur REPUBLICAN PARTY	<input type="radio"/>
RUSCOE, Noel DEMOCRATS	<input type="radio"/>
SMITH, Eugene INDEPENDENT	<input type="radio"/>
TULIP, Belinda ADVANCE NZ	<input type="radio"/>
	<input type="radio"/>
	<input type="radio"/>
	<input type="radio"/>

[Insert party logo (if registered) to the right of the name of the candidate.]

Final Directions

1. If you spoil this ballot paper, return it to the officer who issued it and apply for a new ballot paper.
2. After voting, fold this ballot paper so that its contents cannot be seen and place it in the ballot box.
3. You must not take this ballot paper out of the polling booth.

Historic Collection/Alamy Stock Photo

Voters in New Zealand may cast two votes—a party vote for their preferred political party, and an electorate vote for the candidate they would like to be the member of Parliament for the area they live in.

³ Voters in Ontario (2007) and Prince Edward Island (2006) rejected the adoption of MMP for their provincial elections in referendums. In a non-binding plebiscite held in 2016, Islanders chose a mixed-member proportional representative system by a slim majority of 52 percent (Elections PEI, 2016).

candidate receives a majority of first preferences, the candidate with the least votes is dropped and his or her second preferences are reassigned. The process continues until one candidate has a majority. This system is used by the Australian House of Representatives and most of its state governments and by some U.S. cities. In provincial elections between the 1920s and 1950s, both Alberta and Manitoba used AV for provincial elections in rural ridings and the single transferrable vote (STV) for urban ridings. British Columbia's flirtation with AV lasted for a single election in 1952 (Library of Parliament, 2016c). Voters in the United Kingdom rejected this system in a 2011 referendum. The Liberal Party of Canada adopted a resolution calling for preferential voting at its 2012 convention. However, electoral reform is no longer on the table at the federal level.

Single Transferable Vote System

An electoral system in which voters mark their preferences for a number of candidates in a multi-member district with a certain percentage (quota) of votes needed for a candidate to win. The second preferences that are surplus to what the winning candidates need are transferred to candidates who have not reached the quota. This process continues until all the seats in the district are filled.

Runoff Election

A second election that is held (often with only the top two candidates) if no candidate in the first election wins a majority of votes.

Other electoral systems include the **single transferable vote system** (STV) used by Ireland and in elections for the Australian Senate and some Australian states. Seven municipalities in western Canada adopted STV in their elections for varying lengths of time; Winnipeg did it for 51 years, Calgary for 45, and the others for an average 4 years during the 1920s (Library of Parliament, 2016c). Voters mark their preferences for a number of candidates in a multi-member electoral district, with a certain percentage (quota) of votes needed for a candidate to win. The second preferences that are surplus to what the winning candidates need are then transferred to candidates who have not reached the quota. This process continues until all the seats in the district are filled. This system was rejected by 60.9 percent of British Columbia voters in a 2009 referendum. In the 2016 Australian Senate election, 57 parties (including the Sex Party and the Hemp Party) contested the election. The ballot paper was a metre long that barely fit in the polling booth (Australian Electoral Commission, 2016).

The **runoff election** system (used by France) involves holding a second election a week later (often with only the top two candidates) if no candidate wins a majority of votes in the first election. Generally, the STV system leads to representation of parties that is much closer to proportional representation than the single-member plurality system. Preferential voting and runoff elections ensure that successful candidates can claim to have majority support, but they discriminate against smaller parties.

Election Campaigns and Party Financing

9.4 Understand how election campaigns work and how they are financed.

An election period is like the Olympics to political scientists and political science students! There is drama, suspense, endless analysis, and emotionally charged moments that dominate the news cycle. Campaigns begin when the **writ of election** is dropped, ending all business in the Senate and the House of Commons and setting the process in motion. Political parties, candidates, and third parties spring into action, and the level of activity goes from intense to frenetic until election day. In Canada, "dropping the writ" is an informal way of describing the start of the campaign—rather like opening the gates at the start of a horse race.

Limits on spending and advertising are in force during the writ period and a short pre-writ period, but because of fixed election dates, the day of the permanent campaign has dawned. A permanent campaign includes always being prepared for "political war" with the other parties, the appointment of a permanent campaign manager reporting directly to the party leader, a campaign platform developed by the leader's policy advisers, extensive "message management," and ensuring that the party's "MPs religiously follow official talking points," with cabinet ministers "carefully controlled by the Prime Minister's Office" (Flanagan, 2014, p. 127). Prior to the 2008 and 2011 elections, the Conservatives, with their overflowing "war chests," embarked on extensive advertising campaigns to paint a negative image of new Liberal leaders, an image that was difficult for those leaders to change (Flanagan, 2014).

Writ of Election

A document that dissolves Parliament and authorizes the start of the election.

The permanent campaign can also include the extensive use of government advertising that promotes the policies of the governing party. For example, the Harper government spent more than \$100 million to advertise its “Economic Action Plan,” with the advertising continuing for two years after the program ended (Curry, 2014, January 14). Unlike advertising that provides information about government programs and services, such ads are “really just to tout what the government is doing and draw attention to the governing party’s platform” (Rose cited in Geddes, 2012).⁴

Campaigns are highly leader oriented, with party leaders crisscrossing the country, flipping burgers, kissing babies, and posing for selfies, all accompanied by the media. Their speeches are tightly scripted to emphasize major campaign themes. During the 2011 and 2015 campaigns, Stephen Harper allowed only five questions from reporters and permitted only Conservative supporters to attend rallies.

Election campaigns in the twenty-first century are much more complex and expensive than they were in the past. There are still dedicated armies of volunteers who knock on doors, distribute literature, organize events, and drive voters to the polls on election day. However, a small coterie of individuals at the heart of the campaign brings a different skillset to the table. Campaign managers, advertising agencies, and pollsters are responsible for designing and running the campaigns of the major political parties. Experts in marketing, analytics, and communications play a prominent role in navigating the pitfalls of a campaign. Without their expertise, a party would be entering the field equipped only with slingshots.

Campaign have also become highly centralized, with the national party campaign office tightly controlling the message that the campaign seeks to deliver. Each party’s candidates must echo and avoid straying from their party’s message in their riding, lest these deviations be seized upon by the other parties or the media. The situation is different in Quebec, where, due to language and cultural differences, campaign themes and advertising strategies often differ from those used in the rest of the country (McGrane, 2011). The national campaigns increasingly use call centres to reach voters, including micro-targeting them with personalized messages. Furthermore, the major parties have developed extensive national databases of the characteristics of potential supporters, which are used in fundraising, canvassing, messaging, and getting out the vote on election day.

At the local level, candidates try hard to meet as many voters as possible, particularly by going door to door and attending small get-togethers arranged by supporters.



Liberal Party leader Justin Trudeau greets supporters during the 2015 federal election campaign.

⁴ The 2015 Liberal platform included a promise to appoint an advertising commissioner to help the auditor general oversee government advertising and ensure that it is non-partisan. The government has reformed its policy on federal government advertising, including a ban on government advertising for three months prior to an election, but the measures fall short of appointing a commissioner (CBC News, 2016, May 12).

Volunteers assist in the campaign, erecting signs, distributing leaflets, and identifying supporters by phone or canvassing and encouraging them to vote. Candidates increasingly make use of social media, as well as advertisements in the traditional media, to convey their message. Generally, however, candidates stick closely to the “talking points” prepared by the national campaign organization.

“Dirty tricks,” such as defacing or removing an opponent’s signs or circulating “fake news,” have been quite frequent occurrences (Marland, 2011). In the 2011 election, a Conservative campaign staffer in Guelph, Ontario, used misleading “robocalls” (automated phone calls) purporting to be from Elections Canada, which were designed to misdirect supporters of their opponents to the wrong polling station. Michael Sona was convicted and sentenced to nine months in jail for arranging 6700 misleading calls in his district. (See Box 9-3: Fake News: An Existential Threat to Democracy?)

Leaders Debates

A highlight of campaigns has been the nationally televised debates involving the leaders of parties represented in the House of Commons. These have been organized by the major television networks (with English and French debates on separate days). Some of the debates have involved dramatic clashes that have, on occasion, delivered the “knockout punch” so beloved by the media. For example, in 2011, New Democratic Party leader Jack Layton’s attack on Michael Ignatieff for a poor attendance record in the House of Commons contributed to the negative rating of the Liberal Party leader (Clarke, Scotto, Reifler, & Kornberg, 2011).

In 2015, Prime Minister Harper decided not to participate in debates organized by the television network consortium. The only debate organized by the consortium was a French language debate (with English translation) in which the five leaders participated. A debate on economic issues hosted by the *Globe and Mail* included only the three major party leaders. Likewise, a foreign policy debate hosted by the Munk School of Global Affairs involved only the three leaders of the largest parties.⁵ Overall,

Box 9-3 Fake News: An Existential Threat to Democracy?

At first blush, claims about threats to the integrity of elections seem to have an alarmist “the sky is falling” ring to them. There are accusations that the Russians meddled in the 2016 American election, the Brexit referendum, and elections in European countries.

Elections Canada, like election authorities around the world, is grappling with digital threats to election campaigns. The Commissioner of Elections is particularly concerned about foreign interference and the inappropriate use of social media. He is working with Facebook, Twitter, and Google to seek their cooperation in combatting these threats (CBC News, 2018, August 27).

The discussion on the use of technology in campaigns sheds some light on the vulnerability of the entire electoral process to tampering by hackers intent on skewing the results or sowing chaos. Election outcomes may be impacted by digital interference, but misinformation has much more insidious effects on political discourse and on what individuals hold to be true.

Because the line between fact and fiction has become blurred, the Rand Corporation has begun a study of a phenomenon they label “truth decay” in the United States. Their

researchers note that basic facts and analyses of facts were once generally accepted but that this is no longer the case. The American government, media, and academia are viewed by a growing number of citizens with skepticism (Kavanagh & Rich, 2018). The reasons include social media and the dissemination of disinformation and biased information. They also identify cognitive bias, which causes people to seek out information that confirms their own beliefs and rejects conflicting views. Arguably, many other countries are experiencing this malady.

Political bots, which are simple computer scripts, are used to manipulate public opinion over major social networks. Bots have a legitimate use to spare humans the tedium of performing repetitive tasks. Like other tools, they can be employed in nefarious ways, such as operating large numbers of fake accounts to manipulate people (Neudert, 2018).

The challenges faced by Elections Canada and other election administrators seem insurmountable as the threat comes from sources that are domestic as well as international. Election officials are engaged in a veritable digital arms race in an attempt to keep ahead of those whose goal is to destabilize countries and compromise democratic elections.

⁵ Elizabeth May, the Green Party leader, tweeted her comments during debates that excluded her.

the 2015 debates were not viewed by large audiences, although the news and social media brought to public attention the highlights of some of the debates.

Campaign Platforms and Promises

During elections, political parties appeal to voters through their platforms. Their appeal is pitched to regions and provinces as well as to various interests. Some promises are deliberately vague, thus making it hard to tell how successfully the governing party has fulfilled them.

Arguably, election platforms are more aspirational than solid commitments to future policy. Harper reneged on his promise to appoint only elected senators and members of cabinet immediately after winning the 2006 election. Similarly, after the Liberals won the 2015 election, they abandoned their vow to reform electoral system before the 2019 election. In fairness, sometimes circumstances change, so acting on a promise may no longer be in the public interest.

Campaign Advertising

The Canada Elections Act requires that each radio and television broadcaster provide parties with prime time at its lowest rates for campaign advertisements. Allocations are based primarily on a party's percentage of seats, votes, and candidates in the previous election. Party representatives meet to decide on the distribution of time, but an arbitrator appointed by the chief electoral officer steps in if agreement cannot be reached. Some radio and television networks must provide free broadcasts to the parties, allocated in about the same proportion as the paid commercials. These need not be aired in prime time. Unlike some other countries, Canada imposes no minimum length for campaign advertisements. As a result, 30-second television advertisements have become the standard. Although short advertisements can catch the attention of viewers who might be unwilling to listen to a lengthy explanation of a party's views and positions, they provide scant information on which to base one's vote.

Like campaigns in general, ads tend to focus on the party leaders and include attacks on opposing leaders. For example, in the 2015 campaign, Conservative ads focused on the Liberal leader: "Justin: He's just not ready." Liberals took the high road, featuring an energetic Trudeau with a positive tone and party slogans of "Real change now" and "Real change for the middle class."

Campaign ads can be misleading. Although the use of "negative" or "attack" advertising has often been criticized, a distinction should be made between critical advertising and advertising based on "dirty politics," which uses such techniques as deception, fear-mongering, and mudslinging (Jamieson, 1992). Negative ads have quite frequently gone beyond useful criticism to make unfair attacks on another party or personal attacks on its leader. Both the Conservatives and the Liberals have used misleading ads in election campaigns. In the 2015 election, the Conservatives claimed the Liberals would end income splitting for families and seniors and end monthly child care cheques. In 2006, Liberal ads alleged that Harper had a "hidden agenda" to dismantle the public health care system (Clarke, Kornberg, & Scotto, 2009).

Elections and the Conventional and Digital Media

Elections in the twenty-first century provide voters with a treasure trove of information to help them when they enter the polling booth. The mass media carry extensive coverage during an election campaign, focused mainly on party leaders. Much less attention is paid to the activities of cabinet ministers or local candidates on the campaign trail.

Criticism of media coverage centres on the tendency to highlight what is termed the "horse race" aspect of the campaign. That is, they are often fixated on who is leading or falling back in the race for electoral victory, rather than providing informed analysis of the issues in the campaign. Gaffes made by parties during the campaign

garner a disproportionate amount of attention. For example, during the 2006 campaign the Conservatives promised to give \$1200 a year to parents with young children. Much was made of a critical comment by Scott Reid, the Liberal communications director: "Don't give people 25 bucks a week to blow on beer and popcorn."

In reaction to criticism of their campaign coverage, some media have included "reality checks" that involve a critical analysis of campaign statements. As well, some newspapers have provided useful comparisons of party positions, but the public appetite for solid, informative coverage is questionable. In the 2011 campaign, the media devoted considerable attention to Harper's claim that a "stable majority" was needed to prevent government by a "power-hungry coalition" of the opposition parties. Television news largely ignored the looming crisis in financing health care, climate change, the decay of Canada's infrastructure, and the involvement of the Canadian military in Afghanistan and Libya (Francoli, Greenberg, & Waddell, 2011). Similarly, both the media and the parties in the 2015 election largely ignored important issues such as the state of Canada's health care system.

Parties are using the Internet to circumvent restrictions on the broadcast media in their efforts to influence voters. This is true of third parties as well. Along with their campaign platforms, parties have included their advertisements (including some specially designed for the Internet), announcements, and other campaign materials, such as their leader's speeches on their websites. In the 2008 election campaign, the Conservative Party set up a separate website, *NotaLeader.ca*, specifically designed to criticize Liberal leader Stéphane Dion. A notorious video on the site featured a puffin flying around and pooping on Dion's shoulder.

It was expected that social media such as Facebook, YouTube, Twitter, and other portals would have a transformative effect on election campaigns. Barack Obama's success in the 2008 presidential campaign was attributed to the use of new communications technology. In Calgary, Mayor Naheed Nenshi's victory is believed to be largely a result of the imaginative use of digital tools to mobilize supporters and recruit workers in 2010. Although parties have websites and Twitter and Facebook accounts, the output is carefully edited, and communication is top-down. This is to avoid the risk of allowing volunteers to speak freely especially to the media, lest they deviate from the scripted party message (Flanagan, 2014).

Given the strict control of messaging by the national party campaign office, it is not surprising that technology that has the potential to engage voters as never before is used sparingly. Despite interactive features to tap into public attitudes on issues, have discussion groups, and hold electronic Town Halls, communication is a one-way street. To be fair, it would be impossible for parties, especially during a frenzied election period, to "chat" with potentially thousands of voters on any given day. Instead, social media, YouTube, and blogs have become an important way for citizens to convey their views among themselves as well as a way for party supporters to post their views outside the confines of the official campaign. While the Internet and social media have the potential to reduce the ability of politicians and the conventional media to monopolize the issue agenda, they have yet to do so. Voters do have lively conversations among themselves, but parties and candidates regard social media as just another conduit for distributing information to voters (Francoli, Greenberg, & Waddell, 2011).

Political parties may use social media in limited ways, but they have become a vital part of the lives of individual users of various platforms. As a result of the multiplicity of sources available during an election, each voter can experience a different campaign and tailor it to their preferences (Francoli, Greenberg, & Waddell, 2016). There has been a move by "legacy" media outlets to display content on different social and mobile platforms, especially during election campaigns. During the 2015 campaign, Facebook became a distribution platform for election content through its partnership with CTV News (p. 225). Facebook's involvement did not stop there: it also partnered with Elections Canada to encourage first-time voters and contact those who had moved since the previous election.

This was achieved by a prompt sent to the Facebook pages of all those aged 18 and older, reminding them to register or update their information before the vote on October 19. The partnership did not provide users of CTV's content with unique or novel opportunities for interactivity or engagement in the campaign. What benefits accrued to CTV are also not clear, but there is no doubt that Facebook collected a treasure trove of information on the psychological profiles of its users (Francoli, Greenberg, & Waddell, 2016).

How data gathered from social media are used may be a cause for concern in light of the Cambridge Analytica scandal. Cambridge Analytica, the U.K. affiliate of an American political consulting firm, gathered basic profile information of 300 000 Facebook users as well as their "Likes", without their knowledge. The trawl included their friends, raising to 87 million the total number of individuals worldwide whose accounts were compromised. The company's use of data on millions of individuals without their consent shone a spotlight on unsavoury practices used by companies like Facebook. They collect and store data on every user's attitudes, aspirations, and behaviours, and they mine that data for profit. Through the use of algorithms, they micro-target individuals with customized messages favouring information that confirms those individuals' pre-existing views (Howard, 2018). Depending on that profile, micro-targeted messaging from advertising clients, lobbyists, political campaign managers, and even foreign governments are dispatched to users.

That the privacy of millions of unwitting users was compromised is a serious enough, but more troubling is the possible interference in election campaigns for nefarious purposes in the future. There were great hopes that social networking and digital tools would reinvigorate democracy, but there is danger that they might, in fact, seriously endanger its continued existence.

Election and Party Finance

Money has been described as the mother's milk of politics, essential in election campaigns, which are becoming outrageously expensive, especially in the United States (*Fortune*, 2018). Political parties were considered private clubs until the 1970s, their activities shrouded in secrecy, and voters did not know who got what from whom. The veil has been lifted since then, and Canadian regulation has gradually become more stringent. Limits on contributions, disclosure of funds received by parties, and limits on expenses during the campaign are now in effect. In addition, third-party spending is regulated.

The Liberal and Progressive Conservative parties were funded mainly by large corporations and those seeking to gain government contracts, leading to criticism that they favoured the corporate sector. In contrast, the New Democratic Party raised most of its funding from its members, with a significant proportion coming from labour unions. Corporate and union donations have been banned since 2007, requiring parties to reorient their fundraising efforts to individual citizens.

Amendments to the Canada Elections Act have made party financing at the national level more transparent by requiring that donations of \$200 or more to parties and candidates be publicly reported. Cash donations of over \$20 cannot be accepted. To encourage small individual donations rather than large corporate ones, a generous system of tax credits for donations was established (a 75 percent tax credit for donations up to \$400, with a lower credit for contributions in excess of \$400).

The most radical change was the ending of corporate donations and the imposition of strict limits on individual contributions. Beginning in 2007, only individuals who are Canadian citizens or permanent residents have been allowed to contribute to political parties, leadership contenders, candidates in an electoral district, and those seeking nomination as candidates. As of 2015, these donations are limited to a maximum of \$1500 per year to each registered political party, to the various entities of each registered party (associations, nomination contestants, and election candidates),

candidates for the leadership of a party, and independent candidates in an election.⁶ Contributions by corporations, unions, and unincorporated associations are illegal.

In addition, individuals, groups, unions, and corporations (termed “third parties”) other than candidates, registered political parties, and the district associations of registered parties could spend a maximum of \$438 910 on their own 2015 election-related advertising, including a maximum of \$8788 in any electoral district. (This was double what could be spent in a normal 39-day election campaign.) Former Chief Electoral Officer (CEO) Jean-Pierre Kingsley expressed concern about the level of spending permitted during the lengthy campaign and the possibility that American-style political action committees (PACs) would become a feature of future campaigns. He warned that the battle to regulate party financing took “40 years of scandal, sweat to come to a regime where we had the best in the world for control of money in politics ... Now we are back in the jungle.” (CBC News 2015, June 25). A total of 112 groups registered as third parties (Canada’s term for PACs) during the 2015 campaign. The former CEO’s comments were directed toward lengthy campaigns, but it is the permanent campaign that poses a greater risk that “dark money” will seep into election campaigns. The federal government’s attempt to address this issue was Bill C-76, which imposes limits on spending by third parties in the pre-writ period. (See Box 9-2: Modernizing Elections.)

There are constraints on how much political parties and candidates can raise and spend annually and during election campaigns. However, fixed election dates have altered the way third-party advertisers (TPAs) operate. These organizations, which are similar to Political Action Committees (PACs) in the United States, can advocate for parties, candidates, or policies. They are unconstrained by spending limits or disclosure requirements, except during a 90-day pre-writ period and the election campaign itself. They can engage in polling, phone canvassing, social media, and organizing volunteers, but are prohibited from collusion with a particular party. TPAs can raise unlimited funds from domestic or foreign corporations, unions, and individuals providing that it was collected before the pre-writ period. Elections Canada does not have the resources to monitor TPA activity and only responds to complaints.

Although the National Citizens Coalition had challenged limits on spending by third parties as a violation of the Charter of Rights and Freedoms, the Supreme Court of Canada ruled that it was a “reasonable limit” on freedom of expression needed to ensure fairness in elections (*Harper v Canada* (AG), 2004). This has helped Canada avoid the massive campaign related spending by political action committees (PACs) characteristic of American elections. The American courts on the other hand, have ruled that money is speech and that any limits on contributions would violate First Amendment rights. Unlimited spending in American elections resulted in a total expenditure of \$6.5 billion in the 2016 presidential and congressional elections combined, according to campaign finance watchdog Open.Secrets.org. This figure includes money spent on primaries (*Washington Post*, 2017). Elections Canada estimates that the cost of the 2015 federal election campaign was \$443.0 million, up from \$289.7 million in 2011. The increase is attributed mainly to the length of the campaign and the addition of 30 electoral districts. The figure includes only a portion of the reimbursements paid to parties and candidates for their election expenses (Elections Canada, 2016d).

Candidates and parties receive rebates on eligible campaign expenses if they obtain a certain percentage of the vote. Candidates are reimbursed 60 percent if they get at least 10 percent of valid votes in their constituencies. Parties must receive 2 percent of votes nationally or 5 percent of valid votes in constituencies where they run candidates in order to be eligible to be reimbursed 50 percent of their expenditures.⁷

⁶ These limits increase by \$25 per year. Candidates can donate up to \$5000 to their own election campaign, and candidates for party leadership can donate up to \$25 000 to their own campaign.

⁷ An annual subsidy to registered parties based on the number of votes received in the previous election was phased out beginning in 2011 and ended April 1, 2015.

Thus, the large parties that spend the most money on their election campaign are rewarded with the largest rebates, which can be used in the next election.

Voting Behaviour

9.5 Discuss what motivates voters in their electoral choices.

Unravelling the motivation that propels voters toward a particular party or candidate is of interest to scholars, political parties, and interest groups. Is it the party, the party leader, or the candidate that attracts the voter? Is it the platform of a party or long-term allegiance to a particular party or the values it espouses? The literature provides insights into the long-term and short-term considerations that underlie the political choices that voters make, and these include social characteristics, values, and party identification. However, these more enduring elements are mediated by short-term concerns such as leaders, candidates, and issues that might dominate a campaign.

Long-Term Influences on Voting Behaviour

SOCIO-DEMOGRAPHICS People who share certain demographic characteristics might have similar interests at stake in politics. However, it would be a mistake to assume that voters would focus on a single issue, because there are numerous variables that enter the decision-making calculus. In some countries, religion has great salience; in others, social class is more significant. We will examine the social characteristics that influence Canadian voters in the polling booth: region, the rural/urban divide, religion, ethnicity, social class, gender, age, and education.

Canada's diverse population means there is a complex relationship between social characteristics and voting. In addition to ethnic, religious, and linguistic cleavages, the vastness of the country contributes an added dimension (i.e., region). Grievances in western Canada spawned political parties to reflect those grievances—dissatisfaction that is highlighted and exaggerated by the nature of the electoral system. The result is weaker support for the Liberals in western Canada since the 1950s and, generally, little support for Conservative parties in Quebec. Although the Atlantic provinces have been marginalized within Confederation, they have not rejected Canada's two traditional parties (Bickerton, 2011).

The type of community people live in also affects their vote. The Conservatives have strong support in many rural areas and small towns, but, with the exception of the 2011 election, have had difficulty winning many seats in Canada's large cities. The rural–urban dichotomy may need to be expanded to include “suburban,” some argue, because “battlegrounds between Liberals and Conservatives are not found in the urban or rural areas, but in the famed ‘905’ suburban area around Toronto and other suburban areas throughout the province” (Roy, Perrella, & Borden, 2015, p. 123).

There have been long-standing differences in vote choice among voters from different religious denominations, but the salience of religion has decreased over time. In the past, the Liberals were favoured by Catholics, but there has been a steady decline in support from them since 2000, and the Liberal lead among Catholics disappeared in 2011 (Fournier, Culter, Soroka, Stolle, & Bélanger, 2013). In recent elections, the Conservative Party found strong support among fundamentalists and evangelical Christians. The New Democrats tend to do better among secular rather than religious voters (Gidengil, Nevitte, Blais, Everitt, & Fournier, 2012). Historically, a discussion of religion in Canadian politics would have focused on the Protestant–Catholic divide. More recently, the spectrum has expanded and requires researchers to examine conflict between moral traditionalists and social progressives across the range of faith allegiances (and arguably non-believers). In the past few years, the religious palette has grown to encompass ethno-cultural minorities within the Christian religious community and non-Christian

religious minorities. Whether these developments will have an impact on voting behaviour in future elections remains to be seen (Rayside, Sabin, & Thomas, 2017).

Liberals used to be the choice of voters of non-European ancestry (Bilodeau & Kanji, 2010; Blais, 2005), but the Conservatives made inroads into this community following a sustained campaign to woo those voters. However, the Liberals regained much of the ethnic vote in 2015, especially in the greater Toronto area. Support for the Liberals among French-Canadians was high for over a century, but since 1984 French-Quebecers have shifted their votes to other parties. The Progressive Conservatives then the Bloc Québécois and the New Democratic Party have benefitted from this change in Quebec.

Class voting has never been strong at the national level, although class-based voting is discernible in British Columbia. The New Democratic Party does better among union than non-members; nevertheless, a majority of union members have voted for the other parties. To a limited extent, there are also gender differences in voting choice, with the Conservatives (and particularly their Reform and Alliance predecessors) doing somewhat better among men than women. In the 2011 election, the overall “gender gap” between the voting patterns of men and women was quite small or insignificant (Soroka, Cutler, Stolle, & Fournier, 2011; LeDuc & Pammett, 2011). Public opinion polls conducted just before election day in 2015 found that men were slightly more likely than women to vote for the Conservative Party; women were more likely to vote for the Green Party than men. There was no gender difference in the proportion decided or leaning to vote Liberal or New Democratic Party (Ekospolitics.com, 2015).

The Green Party and the New Democratic Party tend to draw more of their support from younger rather than older voters, while the Conservatives tend to draw their strongest support from seniors. In the 2015 election, less than a quarter of young people favoured the Conservatives, compared to 34.1 percent for the Liberals, 24.4 percent for the New Democratic Party, and 10.1 percent for the Green Party. In contrast, 37.1 percent of those aged 65 and older supported the Conservatives, 35.9 percent the Liberals, 18.2 percent the New Democratic Party, 3 percent the Green Party (Ekospolitics.com, 2015). Many young people switched from the New Democratic Party to the Liberal Party in 2015, making a significant contribution to the Liberal victory (Coletto, 2016). Support for Conservatives among seniors also declined, as a significant proportion switched to the Liberals. Education is also related to vote preference. In 2015, the Conservatives led among those who had a high school education or less, while the Liberals had a substantial lead among those with university education. Those with a university education were more likely to vote for the New Democratic Party than those with less education (Ekospolitics.com, 2015).

VALUES AND BELIEFS Preferences and voting choices are influenced by a voter’s values and ideological preferences. Generally speaking, those who favour a free market system, support a limited role for government in the economy, and hold socially conservative values (e.g., traditional views on gender roles and opposition to same-sex marriage) will vote for the Conservative Party. Conservative voters would be supportive of closer ties with the United States and less favourable to accommodating Quebec’s distinctiveness. Liberal and New Democratic Party voters are usually comfortable with a larger role for government, are less enamoured of the free market, and are more liberal on moral issues. The question of sovereignty has loomed large in the voting choices of Quebecers. Support for the Bloc and the New Democratic Party in Quebec is also associated with opposition to moral traditionalism and support for a substantial government role in the economy (Gidengil et al., 2012). Although Canadian politics is often described as non-ideological, the choices voters make are related to basic political values and beliefs.

PARTY IDENTIFICATION Most voters have a sense of attachment to a particular political party, regarding it as “their party” regardless of whether they are members,

participate in partisan activity, or even vote for it all the time. It has been noted that partisan attachments in Canada lack the durability and strength to ensure that voters stick with their party through thick and thin. Perceived poor performance on issues or an adverse reaction to the leader drives voters away from “their party.” In the 2015 election, the leader’s image made a decisive difference to the outcome (Clarke et al. 2016). For some, this **party identification** starts at an early age and may be transmitted from parents to children. For others, it may develop over time as voters identify with a particular party as reflecting their values.

Many voters do identify with a party, but party identification in Canada is not straightforward. Those who identify with a particular party will not always vote for their party if they disagree with its issue positions or if they find another party more attractive. This is especially the case for voters who do not have a strong party identification. Nevertheless, many voters retain their party identification even if they do not vote in line with that identification in each election (Gidengil, 2012).

Over one-third of the electorate can be considered non-partisan, as they do not identify with any party or report only a weak party identification (Gidengil et al., 2012). This grouping can have an important effect on the outcome of an election. In a dramatic federal election in 1993, an unprecedented 42 percent of Canadian voters switched parties. From a majority government with 156 seats, the Progressive Conservative government was reduced to a caucus of two. This was a stunning example of the turnover in elections that had been apparent long before 1993.

Compared to the Americans, Canadians do not display strong loyalty to the country’s two oldest political parties (Sniderman, 1974). In fact, Canada is an outlier among 25 countries in the volatility of its electorate: the incumbency return rate in the House of Commons, at 51 percent, is the lowest. Turnover is slower in the United States, where the incumbency return rate is 85 percent (Matland & Studlar, 2004). The fact that the New Democrats increased their caucus by 66 seats in 2011 and lost 51 in 2015 illustrates that turnover rates are still high. Perhaps more stunning was the change in fortune of the third-place Liberal Party in 2015, when it gained 148 seats. Many of the young voters who contributed to the Liberal victory had voted New Democratic Party and Conservative in the 2011 election (Coletto, 2016).

Despite this volatility, the party identification of an individual tends to persist over time, even though some voters do, in fact, switch their allegiance or stop identifying with any party.⁸ Because party identification in the Canadian electorate as a whole is not particularly strong and is subject to change, political campaigns and other political events can have important effects on voters and election outcomes

Until the early 2000s, the Liberal Party had the lead compared to other parties in terms of party identification. However, the proportion of Canadians with a Conservative Party identification rose steadily from 2004 to 2011, while the proportion of Liberal identifiers dropped sharply from 2006 to 2011. New Democratic Party identification also increased, particularly from 2008 to 2011 (Fournier et al., 2013). With their decisive victory in 2015, the Liberal Party appears to have reversed its declining fortunes.

Party Identification

A sense of attachment to a particular political party.

Short-Term Influences on Voting Behaviour

Campaigns matter. As the discussion on partisan identification demonstrates, the electorate is volatile, and many voters decide whom to vote for during the election campaign. Thus, the leaders and candidates themselves, and the issues raised during a campaign, can be significant factors in voter choices. During the 2011 campaign, New Democratic Party leader Jack Layton’s popularity and his stand on health care, the

⁸ Because the nature of party competition often differs between the national level and the provincial level, a substantial proportion of the electorate identifies with different political parties in the two political arenas.

environment, and higher corporate taxes increased support for his party in Quebec from 15 percent to 43 percent (Fournier et al., 2013). In 2015, the New Democratic Party dropped from first to third place, while the Liberals, who began with 25.9 percent, moved into first place and ended at 39.5 percent support. Conservative support was generally quite steady, according to public opinion polls and ended up at nearly the same level of support as when the campaign began (Grenier, 2015).

Many voters say that it is the issue positions of the parties, leaders, and candidates that matter most to their voting decisions (Pammett, 2008). However, since the leading parties are cautious in the way they couch their positions and because the positions are similar, voters may have trouble expressing their views on important issues through their voting choice. The 1988 election was exceptional in that it is regarded as a single-issue campaign, the issue being the Canada–United States Free Trade Agreement. Negotiated by the Progressive Conservative government, the controversial Agreement was opposed by the Liberals and New Democratic Party. Voters were well informed, knew where the parties stood, and cast their votes for the party that shared their position (Johnston, Blais, Brady, & Crête, 1992). The Progressive Conservatives, re-elected with 43 percent of the vote, signed the Agreement, although almost 60 percent of voters opposed it. Short-term issues like corruption can affect an election; the sponsorship scandal contributed to the substantial decline in Liberal Party support in the 2004 and 2006 elections (Gidengil et al., 2012).

Party leaders can have a decisive effect on party fortunes, especially because they are the centrepiece of a campaign. It is, therefore, not surprising that evaluations of the party leaders are generally the most important short-term influence on the vote (Bittner, 2010; Gidengil et al., 2012). This does not mean that the party with the most popular leader will necessarily win the election or even increase that party's vote. Nevertheless, the comparative ratings of the party leaders can have a significant effect. For example, Jack Layton's positive rating in the 2011 election contributed to the New Democratic Party's increased vote, while the sharp drop in Liberal support reflected, in part, the strongly negative rating of the party's leader, Michael Ignatieff (Clarke et al., 2011). Undoubtedly, Justin Trudeau's positive image in the 2015 election contributed to the major increase in Liberal Party support.

Unlike the Americans, who vote directly for their president, Canadians vote indirectly for a potential prime minister via the candidate in their riding running for her or his party. With so much attention directed at party leaders, there is some question as to whether local battles matter. Despite the considerable effort that most serious candidates put into campaigning, one study found that the local candidates scarcely affect the outcome of the election in their district (Clarke, LeDuc, Jenson, & Pammett, 1979). Another study found that preference for the local candidate was a decisive factor in the choice of 5 percent of Canadian voters, independent of the effects of their feelings about the parties and their leaders (Blais, Gidengil, Dobryznska, Neviite, & Nadeau, 2003). In some unusual circumstances, an unknown candidate for a popular party can get elected without bothering to campaign. Likewise, when a party is suddenly unpopular, as was the case for the Progressive Conservatives, in 1993, even very popular MPs and candidates cannot withstand their party's decline.

The strong desire to dethrone the Conservative government in the 2015 election, prompted a number of groups to counsel voters to vote strategically. In other words, left-leaning voters were advised vote for the person most likely to defeat the Conservative candidate even if that individual was their second choice. The concern was that vote-splitting on the left would enable the Harper Conservatives to be re-elected. This was the goal of groups such as Leadnow. The organization did local polling to determine which candidate was most likely to defeat the Conservative candidate, particularly in 72 Conservative-held swing districts. Canvassers and

the media carried the message to voters. Over 90 000 persons pledged to vote strategically.

It is difficult to establish the success of groups like Leadnow because their efforts were overtaken by the surge of support for the Liberal Party. The group claimed that candidates recommended by them won in 24 of 29 ridings but this is difficult to prove. A Forum poll conducted a few days after the election found that 32 percent of voters wanted a change. New Democrats in British Columbia (44 percent) and Alberta (40 percent) said they were voting strategically, according to an Insights West poll (CBC News, 2015, October 23). However, it is not clear whether this was a personal decision or at the behest of groups like Leadnow. Many seats for which strategic voters had been encouraged to vote for the New Democratic Party candidate went to the Liberals.

Summary and Conclusion

Canadian citizens who are at least 18 years old have the right to vote and to run for office, but the single-member plurality (SMP) electoral system causes considerable concern. Despite being simple and efficient and providing a connection between voters and their elected representative, it also distorts the results by not rewarding parties with seats in proportion to their share of the popular vote; majority governments are formed with the support of a minority of voters. The electoral system also exaggerates regionalism by providing incentives for parties to develop regional strongholds. There is a keen appetite for electoral reform that would ensure a closer relationship between the popular vote and the number of seats obtained by a party. However, hopes of reform were dashed when the Liberals reneged on their promise to reform the system before the election in 2019.

Election campaigns in the twenty-first century are expensive, highly professionalized, and centralized enterprises, with the use of experts in analytics, pollsters, and advertising companies. Volunteers continue to knock on doors, erect signs, and drop off literature in the ridings while campaign headquarters bristle with sophisticated technology that helps micro-target voters throughout the campaign. It is not only during the writ period that parties are active. Fixed election dates make for a permanent election campaign, with no suspension of hostilities between parties for any period of time.

Concerns have been raised about whether campaign practices such as negative advertising and robocalls mislead voters and foster cynicism concerning politicians and government. Social media were expected to have a significant impact on elections, enabling interaction between voters and parties. Parties are using digital media to communicate with voters, but it is a one-way street. Troubling accusations about Facebook's harvesting of data from millions of users without their knowledge or permission is a chilling reminder that there is a dark side to digital tools.

Media coverage of election campaigns has changed, but the mediascape has also become fragmented with many more platforms available to voters. Although elections are often considered to be the cornerstone of democracy, election campaigns might be viewed as involving the manipulation of voters by the contending parties (and third parties) rather than promoting a dialogue about the direction of the country.

The rules for financing election campaigns and political parties have changed considerably in recent times. On the one hand, since contributions to parties can be made only by individuals, corporate influence on parties has been reduced. However, this positive development may be cancelled out by the potential for unregulated, American-style PACs to participate in the permanent campaign, taking it to a different level.

Studies of voting behaviour have found that the long-term factors of social characteristics, basic political values, and party identification determine the choices that voters make. The regional, ethno-cultural, and religious diversity of Canada is reflected, to some extent, in the patterns of support for each party. Differences based on class and gender generally have a weaker effect on voting choices. However, voting behaviour also reveals considerable volatility. Short-term factors, including perceptions of which party leader is best, which party is most competent to deal with important issues, and which party is most in tune with the values and issue positions of voters, are important. Strategic voting may also be significant in certain elections.

Modern elections may be plagued by threats to their very integrity in the future by novel digital tools weaponized and deployed from within the country and offshore. This possibility serves as a reminder that the price of democracy is eternal vigilance.

Discussion Questions

1. Should Canadians be able to vote online in federal elections?
2. Is the use of digital tools in election campaigns justified given the dangers they pose?
3. Should Canada change its single-member plurality electoral system? If so, what would be the best alternative?
4. Should donations to political parties be strictly limited? Should public funds be used to subsidize political parties?
5. How will you decide whom to vote for in the next election?

Further Reading

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Chapter 10

The Constitution, Constitutional Change, and the Protection of Rights and Freedoms



Darryl Dyck/The Canadian Press

Trinity Western University, an evangelical Christian institution in Langley, B.C., was at the centre of a controversy pitting religious freedom rights against equality rights for potential LGBTQ law students.



Learning Objectives

- 10.1a** Outline the basic elements of the Canadian Constitution.
- 10.1b** Explain the procedures for changing the Constitution.
- 10.2** Examine why formal constitutional changes have been difficult to achieve.

- 10.3a** Outline the major provisions of the Charter of Rights and Freedoms.
- 10.3b** Discuss the significance of the “reasonable limits” and “notwithstanding” clauses in the Charter of Rights and Freedoms.

On June 18, 2018, the Supreme Court of Canada in a 5–2 decision (*Trinity Western University v. Law Society of Upper Canada*) ruled that preventing harm to potential LGBTQ law students and protecting the values of equality and human rights took precedence over religious freedom. (For the Supreme Court judgment, go to <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/17141/index.do>.)

Trinity Western University (TWU), an evangelical Christian post-secondary institution in Langley, British Columbia, requires that students, faculty, and staff adhere to a religiously based Community Covenant. The covenant prohibits any “sexual intimacy that violates the sacredness of marriage between a man and a woman.” This covenant that all students are required to follow applies even when a student is off-campus in the privacy of their own home. TWU planned to establish a law school that in three years would have about 180 potential lawyers.

The Law Society of British Columbia rejected TWU’s proposal to establish a law school because of its covenant that all students would have to accept. TWU argued that the decision of the Law Society not to approve the proposed law school violated religious rights protected by Charter of Rights and Freedoms (s.2). The British Columbia Supreme Court ruled that TWU has the right to hold and act on its beliefs, absent evidence of actual harm, and has the right to freedom of religion in accordance with Section 5.2 of the Charter of Rights and Freedoms (*Trinity Western University v. The Law Society of British Columbia*, 2016 BCCA 423). The Nova Scotia Court of Appeal ruled that TWU as a private university was not subject to the Charter of Rights and Freedoms and did not act unlawfully.

Trinity Western University was unsuccessful in their Ontario court case. The Ontario Court of Appeal ruled that TWU’s covenant was “deeply discriminatory to the LGBTQ community” and would discriminate against LGBTQ students who wanted to go to law school. Justice James MacPherson wrote on behalf of the court: “My conclusion is a simple one: the part of TWU’s Community Covenant in issue in this appeal is deeply discriminatory to the LGBTQ community, and it hurts.”

The Supreme Court of Canada heard two appeals together over the different judgments of the Ontario and British Columbia Courts of Appeal. In a 5–2 decision, the Supreme Court of Canada ruled that the Law Society of Upper Canada (LSUC: Ontario) “was entitled to conclude that equal access to the legal profession, diversity within the bar, and preventing harm to LGBTQ law students were all within the scope of its duty to uphold the public interest. The LSUC has an overarching interest in protecting the values of equality and human rights in carrying out its functions” (*Trinity Western University v. Law Society of Upper Canada*). The LSUC’s decision not to accept the proposed law school could be viewed as limiting the freedom of religion guaranteed by the Constitutional Charter of Rights and Freedoms. However, the Supreme Court viewed this limitation as valid as it was balanced by the objectives that the Law Society was pursuing. Thus, the law societies of Ontario and British Columbia have the right to refuse accreditation based on TWU’s Community Covenant.

The two dissenting judges argued that “the only proper purpose of an LSUC decision to accredit a law school” is to ensure that individual applicants are fit for licensing. In their view the denial of accreditation to TWU “was taken for an improper purpose, and is therefore invalid” (*Trinity Western University v. Law Society of Upper Canada*).

Chapter Introduction

A constitution sets the fundamental rules by which a country is governed. In particular, a constitution provides the organizational framework within which various governing institutions operate and supplies the legitimate processes by which governments can act and laws can be passed. In addition, constitutions may limit the authority of governments by establishing various rights and freedoms for the population of the country. Finally, some constitutions state the general goals and values of the country.

Canada’s Constitution Act, 1867—the foundation in law of the new country—does not contain a statement of basic Canadian values. It simply states that the provinces “have expressed their Desire to be federally united into One Dominion under

the Crown of the United Kingdom of Great Britain and Ireland with a Constitution similar in Principle to that of the United Kingdom.” One phrase in the act, however, stands out from the rest: “Peace, Order, and Good Government.” Commentators have often cited this phrase in the Constitution Act, 1867 as representing Canadian values. Moreover, peace, order, and good government are often contrasted with the values of “life, liberty, and the pursuit of happiness” in the American Declaration of Independence. However, the peace, order, and good government phrase falls under Section 91, which lists the legislative powers of the Canadian Parliament and thus is not a general statement of values. Furthermore, the term “welfare” rather than “order” was commonly used in various pre-Confederation documents (such as the Constitutional Act, 1791). Indeed, the Quebec and London Resolutions that were the basis of the Constitution Act, 1867 used the phrase “peace, welfare, and good government” (Saul, 2008).

In this chapter we examine the major features of the Canadian Constitution, some of the issues that have been highly controversial, and the significance of the Charter of Rights and Freedoms that has become an important component of the Constitution.

The Canadian Constitution

10.1a Outline the basic elements of the Canadian Constitution.

10.1b Explain the procedures for changing the Constitution.

The word “**constitution**” may conjure up an image of a formal, legal document that establishes the rules for governing a country. However, there is no single document that contains all aspects of the Canadian Constitution. Instead, we can think of the constitution as consisting of four basic elements:

1. Formal constitutional documents
2. Ordinary acts of the Canadian Parliament and provincial legislatures that are of a constitutional nature
3. Constitutional conventions
4. Judicial decisions that interpret the constitution

Constitution

The fundamental rules by which a country is governed.

Formal Constitutional Documents

A number of formal documents, including the Constitution Act, 1867, the Constitution Act, 1982, amendments to these acts, and sundry other documents, are listed in a schedule attached to the Constitution Act, 1982. Together, these documents are described as the Constitution of Canada.¹ The importance of the formal Constitution is indicated by the statement that it is “the supreme law of Canada, and any law that is inconsistent with the provisions of the Constitution is, to the extent of the inconsistency, of no force or effect” (Constitution Act, 1982, s.52).

The Constitution Act, 1867

The British North America Act, 1867 (renamed in 1982 as the **Constitution Act, 1867**) is an act of the Parliament of the United Kingdom based on resolutions drafted by the leaders of the British North American colonies. Building on previous acts and

Constitution Act, 1867

An act of the Parliament of the United Kingdom that established Canada as a federal union of Ontario, Quebec, Nova Scotia, and New Brunswick.

¹ The “Constitution” with a capital “C” is used to refer to the formal Constitution, and “constitution” with a small “c” to refer to the constitution as a whole. The formal Constitution acts (including the Charter of Rights and Freedoms) can be found at the Canadian government’s Justice Laws Website: laws-lois.justice.gc.ca/eng/Const.

practices, its particular importance was to establish Canada as a federal union of four provinces: Ontario, Quebec, Nova Scotia, and New Brunswick.

Some of the key provisions of the Constitution Act, 1867 include

- establishing the Canadian Parliament, consisting of the House of Commons and the Senate, the legislatures of Ontario and Quebec, and the continuation of the legislatures of Nova Scotia and New Brunswick.
- dividing the authority to make laws between Parliament and provincial legislatures.
- making “property and civil rights” an exclusively provincial matter. This ensured that Quebec could maintain its system of civil law, which differs from the common-law system of other provinces (discussed in Chapter 16).
- protecting the rights and privileges of denominational schools that were established by law at the time of Union.
- allowing either English or French to be used in Parliament and the Quebec legislature, with both languages used in the records, journals, and the printed acts of those bodies. It also allows English or French to be used in Canadian and Quebec courts.

The Constitution Act, 1867 did not establish Canada as an independent country. The Act is a mundane legalistic document with almost no mention of individual rights and limited consideration of English–French relations. The position and rights of Indigenous peoples were ignored, other than specifying that legislation concerning “Indians and their lands” falls under the jurisdiction of the Canadian Parliament (Gibbins, 2014).

The Constitution Act, 1867 remains Canada’s basic formal constitutional document, although some provisions have been amended and new provisions added. The fundamental nature of the Canadian system of government is indicated by a statement in the preamble referring to “a Constitution similar in Principle to that of the United Kingdom.” Thus, Canada would continue to have a system of **responsible government** in which the prime minister and cabinet are responsible to the elected House of Commons. However, by being “federally united,” Canada differed from the basically unitary British system.

The Constitution Act, 1982

Although Canada became an independent country by the Statute of Westminster, 1931 (and, in practice, by 1926), Canada’s Constitution was not fully a Canadian document until 1982. In particular, some aspects of the Constitution could be amended (changed) only by the Parliament of the United Kingdom, although in practice it acted only on the recommendation of the Canadian Parliament. In turn, beginning early in the twentieth century, the Canadian government would request an amendment directly affecting the legislative powers of the provinces only with the consent of all the provincial governments. By adopting procedures to ensure that all aspects of the Constitution could be amended only in Canada, the Constitution was “patriated”—that is, it became a wholly Canadian document—in 1982.

The Constitution Act, 1982 sets out the requirement that one of the following four formulas, determined by the subject matter, has to be used to amend the formal Constitution:

1. A majority in the House of Commons (and in the Senate) plus a majority in each provincial legislature. This is needed for amendments that change
 - the office of the queen the governor general, and the lieutenant governor;
 - the requirement that a province have at least as many seats in the House of Commons as it had in the Senate in 1982;

Responsible Government

A system of government in which the government (prime minister and cabinet) are accountable to the House of Commons and must retain the support of the majority of the elected Members of Parliament.

- certain constitutional provisions concerning the use of English and French;
 - the composition of the Supreme Court of Canada; and
 - the amending formulas.
2. A majority in the House of Commons (and in the Senate) and a majority in at least two-thirds of the provincial legislatures that represent at least one-half of the population of all the provinces. This applies to many aspects of the Constitution acts, including
 - the powers, method of selection, and the number of senators for each province;
 - the establishment of new provinces; and
 - the division of legislative powers between Parliament and provincial legislatures. However, provincial legislatures can “opt out” of any constitutional changes that reduce their rights or powers. If the change is related to education and other cultural matters that are under provincial control, the provincial government that opted out is guaranteed “reasonable” financial compensation from the Canadian government so that the province can continue to run its own programs.
 3. A majority in the House of Commons (and in the Senate) as well as a majority in the legislature of the province or provinces that are affected by the change. For example, a change in the boundaries of a province would require only the approval of Parliament plus the affected provinces.
 4. Parliament or provincial legislatures operating alone. Except for matters covered in the first two formulas, Parliament or provincial legislatures can change the operating procedures and institutions of their own government.

The first formula, which requires Parliament and all provincial legislatures to agree on certain changes, safeguards some basic features of the governing system. The requirement of unanimity makes it difficult to change these features and, as discussed later in this chapter, has made it challenging to achieve a comprehensive package of major constitutional changes.

The second formula (often referred to as the “general formula”) can be viewed as a compromise between the principle that each province should be treated the same regardless of its population and the reality that Canadian provinces vary dramatically in population and importance. However, if Quebec is viewed as a nation whose agreement is needed for changes that affect its powers, then it is not surprising that the formula is controversial. The possibility exists that Quebec could be forced to surrender some of its powers if most of the other provinces agreed to hand over specific provincial powers to Ottawa. To reduce the impact of that possibility, the second formula allows a province to “opt out” of any constitutional changes that reduce its own rights or powers. To ensure that opting out is not unrealistic given the costs involved in a province exercising a power, the formula guarantees “reasonable” financial compensation if related to education or other cultural matters. Although education and culture are highly prized in Quebec, Quebec governments have argued that compensation should not be limited to those areas.

Formal constitutional amendments normally need to be passed by majorities in both the House of Commons and the Senate. However, the House of Commons can override objections by the Senate for most provisions of the Constitution Act by passing a constitutional resolution a second time after a delay of 180 days. This provision ensures that the Senate cannot indefinitely prevent constitutional changes that would change the Senate itself—a major topic of constitutional reform discussions. Indeed, the Supreme Court of Canada has ruled that the abolition of the Senate would require the approval of Parliament and all provincial legislatures (*Reference re Senate Reform*, 2014).

The Constitution Act, 1982 does not require the use of a referendum to gain the approval of Canadian citizens for a constitutional amendment. Nevertheless, in 1992 the public voted on a major package of constitutional changes (the Charlottetown

Accord) in a referendum.² Increasingly, there is an expectation that significant changes to the Constitution should have the approval of a majority of those voting in a referendum. British Columbia and Alberta have adopted laws requiring that a referendum be held before their legislatures will approve a constitutional amendment.

Since 1982, the Constitution has been amended to extend Indigenous rights (1983), to change representation in the House of Commons (1985 and 2011), to create the territory of Nunavut (1999), and to make several changes that apply only to specific provinces.

The Constitutional Amendments Act, 1996

Finally, an act of Parliament, the **Constitutional Amendments Act, 1996** requires that proposed constitutional changes cannot be presented to Parliament by the Canadian cabinet unless it has the support of each of the following:

- Quebec
- Ontario
- British Columbia
- a majority of the Prairie provinces having at least one-half of the population of the Prairie provinces (in effect, Alberta plus either Saskatchewan or Manitoba)
- at least two of the four Atlantic provinces containing a majority of the region's population³

The Constitutional Amendments Act is not part of the formal Constitution and thus could be changed or eliminated by a simple act of Parliament. However, it is unlikely that a change in the Act would be adopted by Parliament without provincial legislative support.

In addition to establishing the procedure for amending the Constitution (s.38 to 49), the **Constitution Act, 1982**⁴ added the Charter of Rights and Freedoms to the Constitution (discussed in Module 3). The **Constitution Act, 1982** also provided protection to Indigenous and treaty rights (s.35) and included a commitment to the principle of making equalization payments to the poorer provinces (s.36). In addition, it amended the Constitution Act, 1867 to give provinces greater legislative authority over non-renewable natural resources, forestry resources, and electrical energy (s.92A).

Other Formal Documents

The other formal documents that make up the Canadian Constitution include the Statute of Westminster (1931), an act of the Parliament of the United Kingdom that formalized the independence of Canada. In addition, the Constitution includes some other British statutes and orders-in-council, including those that added British Columbia (1871), Prince Edward Island (1873), Newfoundland (1949), and other territories to Canada. The acts of the Canadian Parliament establishing Manitoba (1870), Alberta (1905), and Saskatchewan (1905) are also part of the formal Constitution.

Acts of a Constitutional Nature

Various acts can be considered part of the constitution, even though they are not included in the list of documents that form the Constitution of Canada. Such important

Constitutional Amendments Act, 1996

An act of Parliament that sets out the combination of provinces and regions whose support is needed before the Canadian cabinet presents proposed constitutional changes to Parliament.

Constitution Act, 1982

An act that patriated the Constitution, established a formula for amending the Constitution, added the Charter of Rights and Freedoms, recognized the existing rights of Indigenous people, and made a commitment to the principle of equalization payments.

² Newfoundland and Labrador held two referendums to gain public support for its proposal to change its constitutionally protected denominational school system. However, Quebec did not hold a referendum when it changed its denominational school system.

³ The Constitutional Amendments Act does not specify whether the approval of provincial legislatures is needed or whether some other mechanism, such as a referendum, could be used to gain the necessary support.

⁴ The Constitution Act, 1982 is a schedule attached to the Canada Act, 1982, which was passed by the Parliament of the United Kingdom. The Canada Act simply terminated any power of the United Kingdom to legislate for Canada.

laws as the Canada Elections Act and the Clarity Act (which sets up the provisions by which a province could separate from Canada) are of this nature. However, such acts (sometimes termed “quasi-constitutional”) are not part of the supreme law and thus do not have priority over other laws. No formal list of such acts exists, and they do not differ from other laws passed by Parliament or provincial legislatures in the method by which they are approved or changed.

Constitutional Conventions

Constitutional conventions are widely accepted informal constitutional rules. Some reflect the basic principles underlying Canada’s system of responsible government, such as the convention that the prime minister and cabinet must maintain the confidence (support) of the House of Commons.

Canadian courts have recognized the existence of conventions and have provided opinions describing particular conventions (e.g., the *Patriation Reference* [1981] discussed later in this chapter). As well, the courts may consider conventions in cases involving interpretations of the Constitution (Heard, 1991). Conventions are deeply embedded in the ways that many people think about the governing system. A government that violated an important convention would likely be viewed as acting illegitimately by a significant part of the population. Nevertheless, despite their importance, conventions are not legally enforceable by the courts.

Constitutional conventions are important because the formal constitutional documents do not fully describe how government is to operate. Indeed, the prime minister and cabinet are absent from the Constitution acts—they receive no mention at all. Similarly, even though the Constitution appears to grant great authority to the monarch, there is an important convention that the governor general (acting in the name of the monarch) follows the advice of the prime minister and cabinet.

Judicial Decisions That Interpret the Constitution

Judicial decisions have played a major role in interpreting the provisions of the Constitution. In effect, important judicial interpretations of the Constitution have become an essential part of the constitution. To fully understand the provisions of the Constitution, it would be necessary to review the multitude of court decisions that have added to the very sparse wording of many provisions of the Constitution acts. The Supreme Court of Canada has drawn on its view of the “unwritten principles” of the constitution, such as democracy, federalism, minority protection, and judicial independence, to go beyond the “literal language” of the Constitution acts in its judgments (Hogg, 2006, p. 16).

The Constitution Act, 1867 did not explicitly authorize the courts to overturn laws passed by Parliament or provincial legislatures that they deemed to be in violation of the Constitution (a power known as **judicial review**). However, because of Canada’s colonial status, the United Kingdom’s Colonial Laws Validity Act meant that Canadian laws could be struck down as invalid if they conflicted with British laws (including the Constitution Act, 1867). The **Judicial Committee of the Privy Council**, a panel of judges primarily from the British House of Lords that acted as the highest court of appeal for Canada in constitutional and civil matters until 1949, used the power of judicial review to strike down a number of laws that it viewed as violating the division of powers between Parliament and provincial legislatures. Its judgments were important in clarifying the constitutional division of powers between the Canadian Parliament and provincial legislatures. In 1949, the **Supreme Court of Canada** took over as the country’s highest judicial body in all matters. The adoption of the Charter of Rights and Freedoms in 1982 has considerably expanded the scope of judicial review.

Constitutional Conventions

Widely accepted informal constitutional rules.

Judicial Review

The authority of the courts to invalidate laws passed by Parliament or provincial legislatures that they deem to be in violation of the Constitution.

Judicial Committee of the Privy Council

The highest court of appeal for Canada for constitutional and civil matters until 1949.

Supreme Court of Canada

The highest judicial body in Canada since 1949.

Constitutional Change

10.2 Examine why formal constitutional changes have been difficult to achieve.

Because a constitution sets the fundamental rules for governing a country, the provisions of a constitution are expected to be stable features of the political scene. However, some flexibility is needed in a constitution to take into account changes in the country and its values. Canada has expanded from four provinces to ten; democratic values are much more important than they were at Canada's founding; Canada's population has become much more diverse; and governments have faced a variety of challenging issues that did not exist in the 1860s.

Constitutional conventions generally evolve gradually as new situations arise or different understandings of the conventions develop. Likewise, judicial interpretations of the provisions of the Constitution change as rulings in new cases sometimes modify interpretations in previous cases. Laws that are of a fundamental nature, but that are not in the formal Constitution, can be changed by a majority in Parliament or a provincial legislature. For example, election laws have changed so as to give women, those who do not own property, and Indigenous people the right to vote. Changing many aspects of the formal Constitution is much more difficult.

The Politics of Constitutional Change

Proposals to change various aspects of the Constitution have often been highly controversial. Key issues have included the amending formula, Quebec's place in Canada, the rights of Indigenous peoples, the powers of provincial governments, constitutional protection of rights and freedoms, and the Senate.

Quebec governments have long promoted the view that Canada is based on "two founding peoples"—English and French. Quebec governments have seen themselves as the principal custodian of the French "fact" in Canada and thus have rebuffed attempts by the Canadian government to encroach upon the powers of the Quebec government.

As Quebec underwent major social and political changes in the early 1960s, the Quebec government sought more constitutional powers to lead the province's social and economic development. Quebec governments also argued for greater constitutional powers to protect and promote language and culture. As well, they demanded that Quebec retain what they consider Quebec's traditional right to veto any constitutional changes that could result in a reduction of their province's powers. And finally, Quebec governments have fought for constitutional recognition of the province's distinctiveness. In the 1970s the growth of support for Quebec independence and the election of a Parti Québécois government in 1976 committed to pursuing Quebec sovereignty created a sense of urgency about constitutional change but also presented obstacles to reaching an agreement on constitutional changes.

Western Canadian governments, particularly the government of Alberta, also began lobbying for major constitutional changes in the 1970s, based on western Canadian resentment of the domination of Canadian politics by Ontario and Quebec. Not long after, Canada's National Energy Policy (1980) was seen by Albertans and the Alberta government as robbing the province of the benefits of high oil prices to satisfy the industries of central Canada. Thus the Alberta government, bolstered by other western Canadian governments and by the Newfoundland government, pressed for constitutional changes to enhance provincial government control over natural resources and natural resource revenues. The Alberta government also sought to give the smaller provinces a stronger voice in Parliament by advocating the adoption of a "**Triple-E Senate**"—an elected and effective Senate based on equal representation from each province regardless of the size of their population.

Triple-E Senate

A proposal that the Senate be reformed to be elected and effective based on equal representation from each province regardless of population.

Indigenous peoples have also demanded basic constitutional changes so as to recognize what they view as their inherent right to self-government, to establish their own governments with wide-ranging powers, and to have guaranteed representation in national political institutions. Indigenous leaders have also sought to secure a place in constitutional negotiations for Indigenous representatives.

Finally, Canadian governments, especially the government of Prime Minister Pierre Trudeau, have wanted to enhance the Canadian political community to counter the forces of Quebec nationalism and provincialism. This included entrenching a Charter of Rights and Freedoms that included expanded French- and English-language rights in the Constitution in 1982. Some provincial governments were opposed to a constitutional Charter, fearing that a uniform set of rights would undermine the diversity of Canada and erode the power of provincial governments. At times, the Canadian government has also wanted to safeguard its ability to establish national standards in social programs and to remove provincial barriers to trade and mobility within Canada.

Overall, beginning in 1927, various attempts were made to find federal and provincial agreement on an amending formula so that the Constitution could become fully Canadian.⁵ (See Figure 10-1.) Agreements reached by the Canadian and all provincial governments in 1965 (the Fulton-Favreau formula) and 1971 (the Victoria Charter) each failed when Quebec premiers withdrew their support. Only after an extremely difficult series of events was the Constitution Act, 1982 adopted. Further attempts to reach an agreement on major constitutional changes have failed.

The Constitution Act, 1982

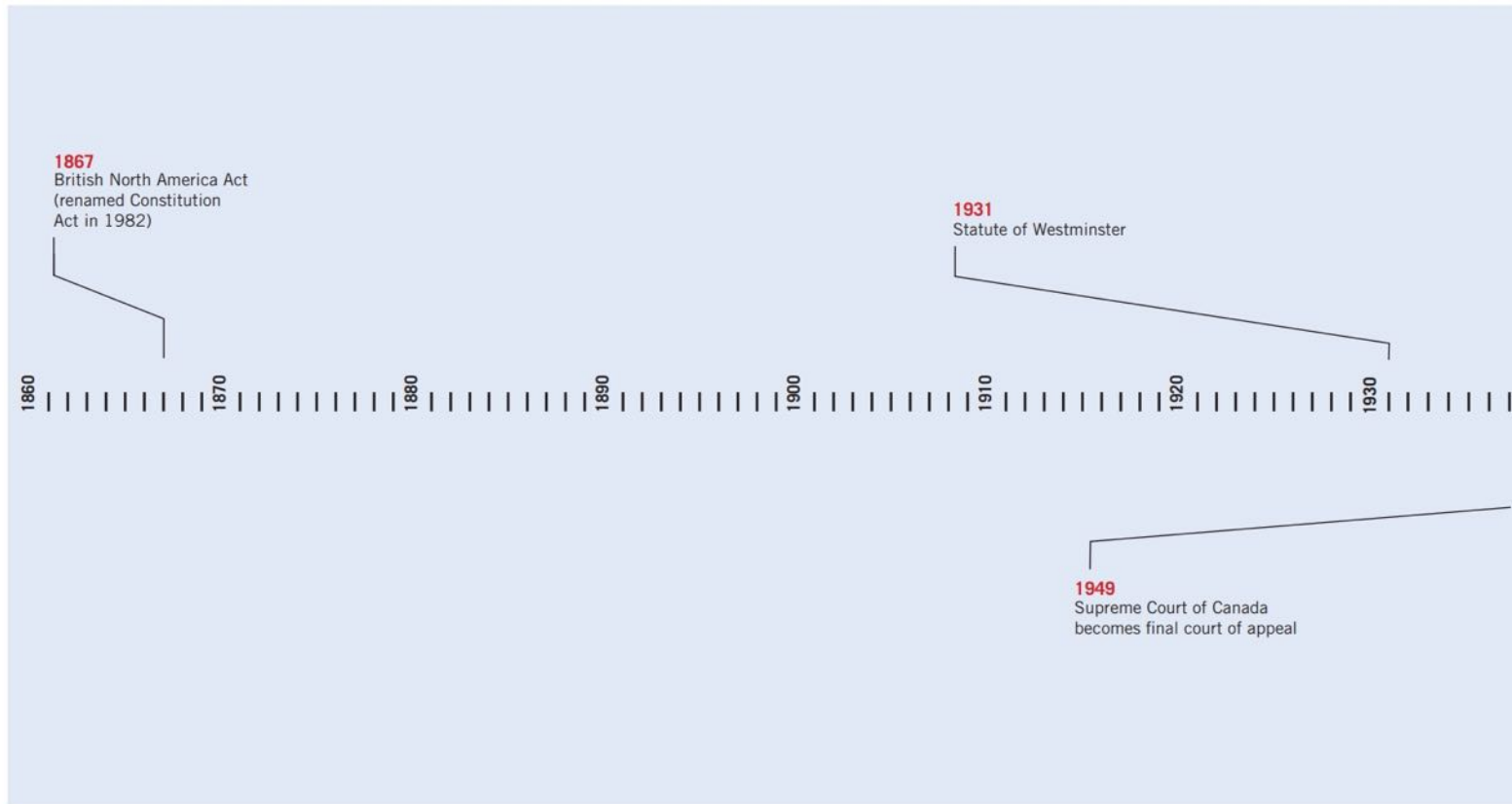
Pierre Trudeau led the Liberal Party to victory in the 1980 Canadian election, including winning 74 of Quebec's 75 seats. A few months later, the Parti Québécois government (elected in 1976) held a referendum, hoping to win a mandate from Quebecers to negotiate sovereignty-association—that is, political sovereignty (independence) for Quebec while retaining an economic association with the rest of Canada. In urging Quebecers to reject this proposal, Prime Minister Trudeau and other political leaders promised Quebecers that a “no” vote would lead to a “renewed federalism.” Although Trudeau's promise of “renewed federalism” was vague, the provincial Liberal Party presented a detailed proposal that would have given the Quebec government substantially greater powers.

The referendum battle concluded with Quebecers rejecting sovereignty-association. With a second chance to unify the country, Pierre Trudeau was determined to reassert the leadership role of the Canadian government and achieve his goals of patriating the constitution and entrenching a Charter of Rights and Freedoms in the Constitution. However, three months of negotiations failed, and a lengthy list of proposals for constitutional changes, presented to Trudeau by the premiers, was rejected. Trudeau felt that the proposals transferred massive powers to the provinces. Instead, he presented to Parliament a constitutional proposal that included a Charter of Rights and Freedoms, a commitment to the principle of providing equalization payments to the poorer provinces, and an amending formula that would have allowed Parliament to bypass provincial government opposition to constitutional changes through the use of a referendum. By presenting the plan before the Canadian Parliament with the intention of sending it to the Parliament of the United Kingdom for final approval, Trudeau avoided the established practice that included provincial government approval of constitutional changes that affect provincial powers.

Most provincial governments were outraged by the Trudeau government's plan to request major changes to the Constitution without their approval. After some

⁵ A 1949 amendment did give the Canadian Parliament the right to make amendments to most of the provisions of the Constitution that did not affect provincial powers, language rights, or denominational school provisions.

Figure 10-1 Constitutional Timeline

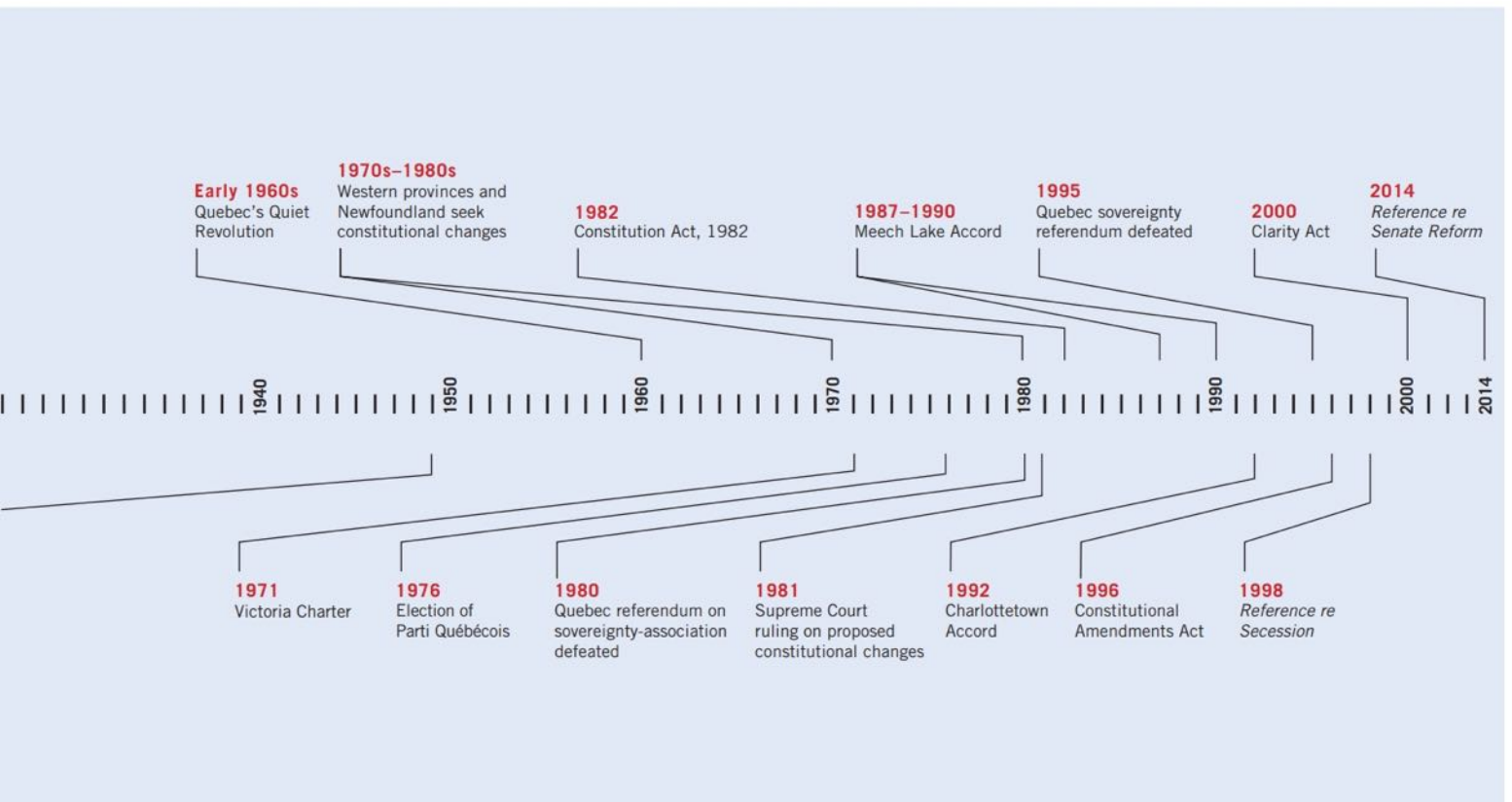


unsuccessful attempts by the federal government to find an acceptable compromise, eight provincial governments launched reference cases⁶ challenging the Canadian government's plan. In September 1981, the Supreme Court of Canada ruled in the *Patriation Reference* (1981) that Trudeau's plan for adopting constitutional changes without the approval of provincial legislatures was *legal* but that it violated the *constitutional convention* that required provincial legislative approval for changes affecting their powers. However, although the Canadian government had obtained *unanimous* approval by all the provincial governments in the past for changes affecting the powers of the provinces, the Supreme Court of Canada ruled that only *substantial* provincial approval was needed to satisfy the constitutional convention (with the definition of "substantial" left unclear).

With some Members of the United Kingdom Parliament indicating their uneasiness with passing the unilateral constitutional proposal, and the Canadian Supreme Court ruling that the process violated constitutional convention, the prime minister and the premiers met to try to reach an agreement. With little progress over several days, an informal night-time meeting in a hotel kitchen worked out a compromise agreement while Premier René Lévesque and the Quebec delegation slept. The following morning, the prime minister and nine premiers signed the agreement. Lévesque angrily denounced the "betrayal" by the other premiers.

The compromise agreed to on November 5, 1981 (with Premier Lévesque refusing to sign) involved two basic elements: the amending formula proposed by the dissenting provinces was accepted. The Charter of Rights and Freedoms proposed by the Trudeau government was also accepted, but a "notwithstanding clause" was added

⁶ *References* are questions posed by the federal or a provincial government asking a supreme court for an advisory opinion.



to allow a legislative body to override some provisions of the Charter. The women's movement successfully mounted pressure to prevent the male-female equality clause in the Charter from being subject to the notwithstanding override.

Indigenous peoples were not represented in the constitutional discussions. Nevertheless "existing aboriginal rights and treaty rights" were "recognized and affirmed" in Section 35. A constitutional amendment in 1983 clarified that the rights



In 1983, Peter Greyson entered Ottawa's National Archives (known today as Library and Archives Canada) and poured red paint over the Constitution. The Toronto artist was displeased with U.S. missile testing in Canada and wanted to "graphically illustrate" how wrong he thought this was. Specialists opted to leave most of the paint stain intact, fearing attempts at removing it would only do further damage.

acquired by land claims agreements or new treaties are recognized in the Constitution. However, a proposal to recognize a general constitutional right to Indigenous self-government failed to gain the agreement of four provincial governments in 1987.

A legal challenge to the Constitution Act, 1982 by the Quebec government claimed that amendments to the Constitution without Quebec's consent violated constitutional convention. This, however, was rejected unanimously by the Supreme Court of Canada (*Quebec Veto Reference*, 1982). A challenge by three provincial First Nations organizations to the Constitution Act, 1982 was rejected by the British Court of Appeal (McWhinney, 1982).

The Canada Act (that included the Constitution Act, 1982) was passed by the Parliament of the United Kingdom. While Queen Elizabeth II signed the official documents making the Constitution fully Canadian at a ceremony in Ottawa, Premier Lévesque ordered flags in Quebec to fly at half-mast.

The Meech Lake Accord

The Progressive Conservative Party led by Brian Mulroney won the 1984 Canadian election on a platform that included a promise to bring Quebec back into the Constitution “with honour” (meaning gaining the support of Quebec for the Constitution Act, 1982), even though Quebec is bound by the Act. The death of Parti Québécois Premier Lévesque and the subsequent election victory of the Quebec Liberal Party led by Robert Bourassa also provided an opportunity to reach a settlement. However, the Mulroney government's attempts to make major changes to the Constitution ended in failure.

At a private meeting in April 1987, the prime minister and the ten premiers reached a unanimous agreement known as the **Meech Lake Accord**. The accord included the controversial **distinct society clause**—that the constitution should be interpreted in a manner consistent with “the recognition that Quebec constitutes within Canada a distinct society.”⁷ Quebec's role in preserving and promoting its distinct identity would be affirmed, but no specific new powers were attached to this role. Other provisions would have enhanced the powers of all provincial governments by giving them a role in nominating senators and Supreme Court justices, establishing their right to opt out of national social programs while receiving reasonable financial compensation to set up their own programs, and increasing their role in immigration. As well, the Meech Lake Accord proposed changing the general amending formula for the Constitution so as to require the agreement of every provincial legislature (as well as Parliament) for changes to the Constitution.

Strong opposition developed to the accord. Many English-speaking Canadians complained about the recognition of Quebec as a distinct society. Former Prime Minister Pierre Trudeau bitterly denounced the accord, which he argued would “render the Canadian state totally impotent” (Trudeau, 1987). Indigenous groups were upset that recognition of their inherent right to self-government had not been considered. People in the territories objected to provisions that would make it difficult to eventually gain provincial status. As well, many western Canadians were upset that Senate reform to create a Triple-E Senate (equal [representation], elected, and effective) was not included. Women's groups outside Quebec campaigned strongly against the accord, claiming that recognizing Quebec as distinct could allow that province to undermine the male–female equality that was guaranteed in the Charter of Rights and Freedoms. Multicultural groups were concerned that the accord only recognized French- and English-speaking Canadians as “a fundamental characteristic of Canada.” And finally, there was considerable criticism of the process of constitutional change by those who felt that deal-making by 11 heads of government (all white males) in closed meetings hardly made for a model of democracy at work.

Meech Lake Accord

An agreement on constitutional change reached by the prime minister and premiers in 1987 that failed to be ratified by all the provincial legislatures. The accord satisfied the conditions laid out by Quebec for signing the Constitution Act, 1982, while extending the powers granted to Quebec to all provinces.

Distinct Society Clause

A clause in the Meech Lake Accord that the constitution should be interpreted in a manner consistent with the recognition of Quebec as a distinct society.

⁷ The clause also recognized “that the existence of French-speaking Canadians, centred in Quebec but also present elsewhere in Canada, and English-speaking Canadians, concentrated outside Quebec but also present in Quebec, constitutes a fundamental characteristic of Canada.”

Because the package of constitutional proposals in the Meech Lake Accord included changes to the amending formula and the Supreme Court, the accord required the approval of Parliament and all provincial legislatures. Despite the support of the prime minister and all the premiers for the Meech Lake Accord and the ratification of the agreement by Parliament and the legislatures of most provinces (including Quebec), elections brought new governments to power in Newfoundland and New Brunswick that were critical of the accord. In particular, although the Newfoundland House of Assembly had ratified the accord, this was reversed when the provincial Liberal Party, led by Clyde Wells, was elected in 1989. Wells campaigned vigorously across Canada against the accord, which he viewed as undermining the equality of the provinces. As discussed in the chapter opening vignette, a last-minute effort to win the approval of all provincial legislatures failed.

Many Quebecers were deeply troubled by the defeat of the accord, which they viewed as the minimum set of changes that their province could accept. Support for independence rose sharply. To step up the pressure for change, Quebec Premier Robert Bourassa arranged for a referendum on Quebec sovereignty to be held in 1992 if the rest of Canada had not put forward an acceptable binding constitutional proposal. As political scientist Léon Dion graphically put it, Quebec was holding “a knife at the throat” of English Canada (quoted in Bothwell, 1998, p. 219).

The Charlottetown Accord

Faced with the threat of a referendum on Quebec independence, politicians resumed efforts to develop a package of constitutional changes acceptable to all the diverse elements of Canadian society. Unprecedented and lengthy efforts were made to involve Canadians in the public discussion of constitutional issues before formal negotiations began. About 400 000 people participated in the Citizens’ Forum that travelled across the country (Russell, 2004).

Formal negotiations on constitutional change, involving representation of the Canadian government, provincial and territorial governments, and four national Indigenous organizations, began in March 1992, with the Quebec government joining the talks in July. An agreement was reached at a meeting in Charlottetown, P.E.I. on August 28, 1992.

The **Charlottetown Accord** reached beyond the more limited provisions of the Meech Lake Accord. Its provisions included the following:

- Constitutional recognition of the inherent right of Indigenous peoples to self-government within Canada.
- An elected Senate with six senators from each province, one from each territory, and representation of Indigenous peoples to be determined at a later date.
- A guarantee that Quebec would have at least one-quarter of the seats in the House of Commons.
- A “Canada clause” that the Constitution be “interpreted in a manner consistent with a number of fundamental characteristics,” including democracy, a parliamentary and federal system of government, the rule of law, Indigenous rights, Quebec’s distinct society, official language minority communities, racial and ethnic equality, individual and collective rights and freedoms, equality of female and male persons, and equality of the provinces.
- A commitment to establish a social and economic union that would include such objectives as reasonable access of all people to housing, food, and other basic necessities, as well as access to post-secondary education; protection of the rights of workers to organize and bargain collectively; protection of the integrity of the environment; the goal of full employment; and the free movement of people, goods, services, and capital.
- Greater powers for provincial governments in a number of fields of jurisdiction, including the right to opt out of new national shared-cost programs in areas of provincial jurisdiction and receive full financial compensation.

Charlottetown Accord

An agreement in 1992 on a broad package of constitutional changes, including Indigenous self-government, Senate reform, and a statement of the characteristics of Canada. (For details on the Charlottetown Accord, see www.solon.org/Constitutions/Canada/English/Proposals/CharlottetownConsensus.html.) The agreement, which had the support of the prime minister, all premiers and territorial leaders, and four national Indigenous leaders, was defeated in a referendum.

- Appointment of Supreme Court of Canada justices by the Canadian government from lists of nominees prepared by the provinces and territories.

Although the accord was supported by all premiers, groups representing gays, lesbians, and persons with disabilities were upset that they were not recognized in the Canada clause. Women’s groups argued that male–female equality was not given the same priority in the Canada clause as the rights of other groups. The Native Women’s Association claimed that too much power would be placed in the hands of male Indigenous leaders, while First Nations chiefs feared that the right to Indigenous self-government would be unduly limited by the Charter of Rights and Freedoms.

More generally, many English-speaking Canadians felt the accord went too far in appeasing Quebec, while many Quebecers felt the accord provided less for Quebec than the Meech Lake Accord had done. There was also uncertainty about the provisions of the Charlottetown Accord because the legal text of the accord was not prepared until shortly before the referendum date. Even so, the legal text left many provisions open to further negotiations.

Because British Columbia and Alberta had adopted requirements that constitutional changes had to be approved by a referendum, it was decided to hold a national referendum. In Quebec, a referendum on the Charlottetown Accord replaced the planned referendum on Quebec sovereignty. (See Table 10-1.) Overall, a majority of Canadian voters rejected the Charlottetown Accord.

The Aftermath of the Failure of Constitutional Change

The failure of the Charlottetown Accord shut down the process of seeking major changes to the Constitution. The Progressive Conservative Party that held power while both accords were negotiated was reduced to just two seats in the House of Commons. Instead, the Liberal Party, led by Jean Chrétien, promised that constitutional issues should not be reopened for “a long, long time” and won the 1993 Canadian election.

The Liberal plan to avoid constitutional issues was, however, upended by political events in Quebec. The Parti Québécois was elected in 1994 and wasted no time in holding a referendum in 1995 on whether or not “Quebec should become sovereign after making an offer of economic and political partnership to Canada.” When it appeared

Table 10-1 Results of the Referendum on the Charlottetown Accord, 1992, by Province and Territory (Percentage)

	Yes	No	Turnout
Newfoundland	63.2	36.8	53.3
Prince Edward Island	73.9	26.1	70.5
Nova Scotia	48.8	51.2	67.8
New Brunswick	61.8	38.2	72.2
Quebec	43.3	56.7	82.7
Ontario	50.1	49.9	71.9
Manitoba	38.4	61.6	70.6
Saskatchewan	44.7	55.3	68.7
Alberta	39.8	60.2	72.6
British Columbia	31.7	68.3	76.7
Northwest Territories	61.3	38.7	70.4
Yukon	43.7	56.3	70.0
Canada	45.0	55.0	74.7

Referendum question: “Do you agree that the constitution of Canada should be renewed on the basis of the agreement reached on August 28th, 1992?”

SOURCE: McRoberts, K. & Monahan, P. (Eds.) (1993). *The Charlottetown Accord, the referendum, and the future of Canada*. Toronto: University of Toronto Press.

that a majority might vote yes, Prime Minister Chrétien made a last-minute television appeal to Quebecers. He vowed to recognize Quebec as a distinct society, to ensure that constitutional changes that affect the powers of Quebec should be made only with the consent of Quebecers, and to work toward greater decentralization of power from the Canadian government to provincial governments. Quebecers responded to Chrétien's promises—but just barely. The referendum result was extremely close: 49.4 percent voted yes, and 50.6 percent voted no.⁸

Finding too little support from provincial governments for a constitutional amendment to recognize Quebec as a distinct society, Chrétien encouraged the House of Commons to pass a symbolic resolution recognizing Quebec as a distinct society. The Constitutional Amendments Act, 1996 (discussed earlier in this chapter) in effect gave Quebec and other provinces and groups of provinces a veto over constitutional changes.

Given the great difficulty involved in obtaining agreement on formal amendments to the Constitution and the intense conflicts that have surrounded constitutional negotiations, it is unlikely that further attempts to make substantial changes to the Constitution will occur in the foreseeable future. Instead, changes will likely continue to occur in a gradual fashion through specific laws, agreements between the federal and provincial governments, judicial interpretations of the constitution, and evolving constitutional conventions (Russell, 2010).



Ryan Remiorz/CP/AP Images

Days before the 1995 Quebec independence referendum, an estimated 100,000–150,000 people from all over Canada joined a Unity Rally in downtown Montreal, where they called on Quebecers to vote “No”.

Constitutional Protection of Rights and Freedoms

10.3a Outline the major provisions of the Charter of Rights and Freedoms.

10.3b Discuss the significance of the “reasonable limits” and “notwithstanding” clauses in the Charter of Rights and Freedoms.

The British political system is based on the principle of **parliamentary supremacy**. The British Parliament is the supreme law-making body, whose ability to legislate has not been restricted by a superior constitutional document. Unlike the United States, where rights and freedoms are protected by the constitutional Bill of Rights, which can be used by the courts to invalidate legislation, British courts cannot overturn an act of Parliament. Nevertheless, the protection of individual rights and freedoms is an important part of the British political culture.

Canada inherited many aspects of the British system of law and governing. However, unlike the United Kingdom, Canada has a written constitution that places some limits on the supremacy of Parliament, particularly by dividing legislative authority between Parliament and provincial legislatures. This has given judicial

Parliamentary Supremacy

The British principle that Parliament is the supreme law-making body, whose ability to legislate has not been restricted by a superior constitutional document.

⁸ In two separate referendums, 96 percent of the Cree and Inuit of northern Quebec voted against the separation of Quebec from Canada.

bodies the power of judicial review that includes the power to declare a law invalid because it violates the Canadian Constitution.

The Constitution Act, 1867

The Constitution Act, 1867 outlined only a narrow set of rights. The right to use either English or French in the Canadian Parliament, the Quebec legislature, and in federal and Quebec courts was protected, along with the existing rights and privileges of denominational schools. However, by including in the preamble to the Constitution Act, 1867 that Canada would have a “constitution similar in principle to that of the United Kingdom,” it was assumed that traditional British liberties would continue to be respected in Canada.

The record of protecting rights and freedoms before the adoption of the Charter of Rights and Freedoms was far from exemplary. Although many traditional rights based on the English common-law system were respected, at times various minorities were stripped of their rights (including the right to vote) by federal or provincial governments. For example, Indigenous people living on reserves were denied basic human rights, and Japanese Canadians were arrested, interned, and deprived of their property during and shortly after World War II.

Canadian courts and the Judicial Committee of the Privy Council (JCPC)—the final court of appeal until 1949—did, on occasion, invalidate laws that interfered with rights and freedoms on the grounds that the legislative body that passed the law did not have the authority to do so under the Constitution Act, 1867. Less frequently, some justices used the concept of an “**implied bill of rights**,” for example, to strike down a series of Quebec laws in the 1950s that interfered with political and religious freedoms (Gibson, 2005). However, in *Canada v. City of Montreal et al.* (1978), the majority of Supreme Court justices rejected the notion that there was an implied bill of rights that protected freedoms from legislation that is within the constitutional competence of a legislative body.

Implied Bill of Rights

The judicial theory that rights are implied by the preamble to the Constitution Act, 1867 and therefore could not be infringed upon by ordinary legislation.

Canadian Bill of Rights

An act of Parliament passed in 1960 establishing various rights and freedoms that apply only to matters under federal jurisdiction.

The Canadian Bill of Rights

In 1960, Parliament passed the **Canadian Bill of Rights**, which established various rights and freedoms for matters under federal jurisdiction. (All provincial and territorial governments have also adopted human rights laws.) However, the courts have been reluctant to use the Bill of Rights to invalidate federal legislation.

The War Measures Act, excluded from the provisions of the Canadian Bill of Rights, allowed the Canadian cabinet, after the kidnapping of the British trade commissioner and murder of Quebec’s minister of labour by the Front de libération du Québec in 1970, to declare a state of apprehended insurrection. This was used to jail several hundred people without explanation and without bail. The War Measures Act was replaced by the Emergencies Act in 1988. This act allows the Canadian government to take temporary measures in situations that may impact the well-being of Canadians or that are beyond the ability of a province to deal with. The use of the Emergencies Act is subject to the Charter of Rights and Freedoms and the Canadian Bill of Rights.

Charter of Rights and Freedoms

As part of the Constitution Act, 1982, the Charter is superior to ordinary legislation, allows the courts to invalidate legislation, and applies to the actions of all governments and organizations under the control of government.

The Charter of Rights and Freedoms

Liberal Prime Minister Pierre Trudeau passionately advocated the adoption of the **Charter of Rights and Freedoms**. Trudeau viewed constitutional protection of rights and freedoms as necessary to prevent government from tampering arbitrarily with the rights and freedoms of individuals. In the face of growing nationalism and separatism in Quebec, he also saw the protection of French- and English-language rights of people throughout Canada as being crucial to promoting national unity. Accordingly, he pushed hard for the entrenchment of the Charter in the Constitution despite the

opposition of some premiers who were concerned that the Charter would undermine the principle of parliamentary supremacy—the foundation of much of the Canadian governing system. René Lévesque, the premier of Quebec, was also critical of the Charter, viewing it as imposing a centralist, uniform view of Canada.

When televised parliamentary hearings on the proposed Charter were held, many groups supported the idea of the Charter, while lobbying for various additions to it. In particular, women's groups and various ethnic groups mobilized supporters to successfully press for the adoption of provisions that would strongly protect women's rights and recognize the multicultural nature of Canada. In the end all the premiers except Lévesque agreed to the inclusion of the Charter in the Constitution Act (modified to keep an element of parliamentary supremacy, the "notwithstanding clause" discussed below).

The Charter is a much more powerful tool for protecting rights and freedoms than the Canadian Bill of Rights. For example, the Supreme Court of Canada used the Charter to strike down the federal Lord's Day Act as a violation of freedom of religion,⁹ contrary to its earlier decision to uphold the act despite the Canadian Bill of Rights. The Supreme Court's judgment stated that "the Charter is intended to set a standard upon which present as well as future legislation is to be tested" (*R. v. Big Drug Mart Ltd.*, 1985).

The Constitution Act, 1982, of which the Charter is an important part, states that the Constitution is "the supreme law of Canada, and any law that is inconsistent with the provisions of the Constitution is, to the extent of the inconsistency, of no force or effect" (s.52). Thus the Charter is clearly superior to ordinary legislation. Further, Section 24 of the Charter provides that anyone whose Charter rights or freedoms "have been infringed or denied may apply to a court of competent jurisdiction to obtain such remedy as the court considers appropriate and just in the circumstances."

Thus, unlike the Bill of Rights, the Charter clearly empowers the courts to invalidate legislation that is inconsistent with the Charter. Further, the Charter applies not only to legislation passed by the Canadian Parliament and provincial legislatures but also to the actions and policies of the Canadian, provincial, territorial, and municipal governments, as well as to agencies under the control of government or carrying out government policies. The Canadian Charter does not generally apply to private businesses and organizations or to relations among individuals. Instead, all provinces and territories have their own bills of rights and human rights acts that deal with such issues as discrimination by landlords and businesses against individuals based on characteristics including gender, religion, age, race, ethnicity, and disability. Quebec's Charter of Human Rights is broader than the Canadian Charter by including various social and economic rights.

Provisions of the Canadian Charter of Rights and Freedoms

The Charter is more comprehensive than the Canadian Bill of Rights in establishing rights and freedoms. Indeed, its scope is wider than the U.S. Bill of Rights to which it is often compared (e.g., by including language rights and equality rights). (For the complete text of the Charter of Rights and Freedoms, go to <http://laws.justice.gc.ca/en/charter>.)

The Charter establishes seven basic categories of rights and freedoms:

- Fundamental freedoms, consisting of "freedom of conscience and religion; freedom of thought, belief, opinion and expression, including freedom of the press

⁹ Striking down the Lord's Day Act did not necessarily make provincial Sunday closing laws invalid. In *R. v. Edwards Books and Art Ltd.* (1986), Ontario's Retail Business Holiday Act was upheld because it was framed in secular rather than religious terms and because it had an exemption for those small business owners who have a religious duty to close on Saturdays.

and other media of communication; freedom of peaceful assembly; and freedom of association" (s.2).

- Democratic freedoms, including the right of all citizens to vote and hold elected office as well as limiting the maximum term of the House of Commons and provincial legislatures to five years. Through ordinary legislation, Parliament and almost all provincial legislatures have reduced their maximum term to four years.
- Mobility rights, including the right to move and to pursue a livelihood in any province.
- Legal rights, including the right to life, liberty, and security of the person, the right to a trial within a reasonable period of time if charged with an offence, the right to be secure against unreasonable search or seizure, and the right to be presumed innocent until proven guilty by an independent and impartial tribunal.
- Equality rights, including the provision that every person is equal under the law and has the right to the equal protection and equal benefit of the law without discrimination on such grounds as race, national or ethnic origin, colour, religion, sex, age, or disability. This does not preclude laws, programs, or activities designed to improve the conditions of disadvantaged individuals or groups. The equality rights clause was at the centre of the issue of same-sex marriage. (See Box 10-1: Same-Sex Marriage: Kevin and Joe, Elaine and Anne, and the Charter of Rights and Freedoms.)

Box 10-1 Same-Sex Marriage: Kevin and Joe, Elaine and Anne, and the Charter of Rights and Freedoms

On January 14, 2001, two couples, Kevin Bourassa and Joe Varnell and Elaine and Anne Vautour, exchanged wedding vows in Toronto's Metropolitan Community Church. They were in love and ready to commit, but the Ontario government refused to register the wedding licences of the two same-sex couples. The couples undertook legal actions challenging the 1866 common-law definition of marriage: "As understood in Christendom ... the voluntary union for life of one man and one woman, to the exclusion of all others" (quoted in Russell et al.,

2008, p. 364). The definition was, argued the challengers, a violation of equality rights provisions of the Charter. Courts in a number of provinces ruled that the prohibition on same-sex marriage was unconstitutional, and the Ontario government registered the marriages in 2003.

The Canadian government did not appeal the rulings of the provincial courts of appeal but instead drafted its own legislation: "Marriage, for civil purposes, is the lawful union of two persons to the exclusion of all others." The Liberal government anticipated stormy opposition to the legalization of same-sex marriage and therefore asked the Supreme Court of Canada for a reference opinion on four questions related to the proposed legislation. The Supreme Court confirmed that Parliament has the legislative authority to decide who may marry, that extending the capacity to marry to persons of the same sex is consistent with the Charter, and that the Charter's guarantee of freedom of religion protects religious officials from being forced to perform same-sex marriages contrary to their religious beliefs. The Supreme Court refused to answer the fourth question—whether an opposite-sex requirement for marriage is consistent with the Charter—since the government had not pursued an appeal to the ruling of the lower courts on this issue. Already, thousands of same-sex couples had been legally married as a result of the lower court decisions.

To the cheers of the gay and lesbian community and the jeers of Catholic bishops, Canada became one of the world's first countries to officially recognize same-sex marriages.



Nathan Denette/The CP Images

Recognition of same-sex equality rights in Canada came after much struggle. Couples Kevin Bourassa (left, glasses) and Joe Varnell and Anne Vautour and Elaine Vautour (right) exchanged wedding vows in front of Reverend Brent Hawkes in January 2001, but their marriages were not officially registered until 2003.

- Language rights, including the right to communicate with and receive services in English or French from Canadian government offices where there is sufficient demand. New Brunswick is the only province that has entrenched these language rights in the Charter.
- Minority language education rights, including the right of Canadian citizens whose mother tongue is either English or French to have their children educated in that language where numbers warrant. In Quebec this right applies only to children whose parents received their primary schooling in English in Canada.

Other provisions of the Charter require that “the Charter shall be interpreted in a manner consistent with the preservation and enhancement of the multicultural heritage of Canada” and that the rights and freedoms in the Charter “are guaranteed equally to male and female persons.” In addition, the rights and freedoms specified in the Charter do not affect any treaty or other rights or freedoms of Indigenous peoples.

Limitations on Rights and Freedoms

The Charter does not provide absolute guarantees of listed rights and freedoms. In particular, the Charter allows “reasonable limits” on rights and freedoms. As well, through the “notwithstanding” clause, Parliament and provincial legislatures can pass laws that contradict some of the Charter’s provisions.

THE “REASONABLE LIMITS” CLAUSE Clause 1 of the Charter guarantees that the rights and freedoms in the Charter are “subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.” A court may decide that a particular law or government action violates the Charter. The **reasonable limits clause** places the onus on the government to provide evidence to demonstrate that the law or action is a reasonable limit on rights and freedoms. It is, however, a matter of judgment as to what reasonable limit is justified in a free and democratic society. How much and what kind of evidence is needed to “demonstrably” justify the limit on rights and freedoms is also often hotly debated.

In developing the “**Oakes test**”, the Supreme Court of Canada laid out the basic principles to apply in determining whether a limit on rights and freedoms is justified in a particular case. (For more information about the “Oakes test” and the Narcotics Control Act see Box 10-2: Innocent Until Proven Guilty? David Oakes and the Narcotics Control Act.)

THE “NOTWITHSTANDING” CLAUSE The Charter allows Parliament or provincial legislatures to explicitly declare that a particular law shall operate notwithstanding certain provisions of the Charter. Such a declaration is effective for only five years, although it can be re-enacted by the legislative body as often as is desired.

The notwithstanding clause applies to the rights and freedoms listed in Sections 2 and 7–15 of the Charter:

1. fundamental freedoms,
2. legal rights, and
3. equality rights.

Democratic, mobility, and language rights and other provisions of the Charter cannot be overridden. As well, rights and freedoms are “guaranteed equally to male and female persons” and cannot be overridden by the notwithstanding clause (s.28).

The requirement that legislation has to explicitly state that a law or provision operates notwithstanding a provision of the Charter makes it politically risky for a

Reasonable Limits Clause

A clause of the Charter of Rights and Freedoms that allows for reasonable limits on rights and freedoms, provided the limits can be demonstrably justified in a free and democratic society.

Oakes Test

A Supreme Court of Canada ruling setting out basic principles in applying the reasonable limits clause.

Notwithstanding Clause

A provision in the Charter of Rights and Freedoms that allows Parliament or a provincial legislature to explicitly declare that a particular law (related to some sections of the Charter) shall operate notwithstanding the provisions of the Charter.

Box 10-2 Innocent Until Proven Guilty? David Oakes and the Narcotics Control Act

David Edwin Oakes was arrested outside an Ontario tavern in 1981 and was found to be in possession of \$619.45 and eight one-gram vials of hashish oil. He was charged with trafficking under the Narcotics Control Act, which carries a much more severe penalty (potentially life imprisonment) than for simple possession. The act required that the accused had to prove he or she was not engaged in trafficking when claiming only possession.

The lawyer for Mr. Oakes challenged the Narcotics Control Act, arguing that it violated the right to be considered innocent until proven guilty that is guaranteed in the Charter—it was therefore up to the Crown prosecutor to prove that Oakes was guilty of trafficking, not up to the defendant to prove his innocence. After the court hearing the case struck down the provision in the act concerning trafficking, the Supreme Court of Canada was eventually called upon to decide if the act's provision was a reasonable limit on a guaranteed legal right.

In their ruling, the Supreme Court judges laid out two criteria that together could help determine when “reasonable limits” could be used to uphold a law that interfered with the rights and freedoms in the Charter:

1. The objective of the law “must be sufficiently important to warrant overriding a constitutionally protected right or freedom.” That is, the objective must at least “relate to societal concerns which are pressing and substantial in a free and democratic society.”
2. The interests of society must be balanced against the rights and freedoms of individuals and groups. Specifically,
 - the measures contained in the law “must be carefully designed to achieve the objective in question” and “rationally connected to the objective,”
 - the measures “should impair as little as possible the right or freedom in question,” and

- the more harmful the effects of the measures are in limiting rights and freedoms, the more important the objective must be.

Applying these criteria to the Oakes case, the judges agreed that drug trafficking was a “substantial and pressing” concern, thus meeting the first criterion. However, the second criterion was not fulfilled, since there was “no rational connection” between the possession of a small amount of hashish oil and the presumption that the possession was for the purpose of trafficking. Therefore, the judges concluded that section 8 of the Narcotics Control Act was of “no force and effect,” and the appeal of the acquittal of Oakes was dismissed (*R. v. Oakes*, 1986).

The “Oakes test” has been used in many cases since 1986, although not always resulting in an acquittal of the accused. For example, in *R. v. Keegstra* (1990), the Supreme Court of Canada upheld the conviction of a high school teacher under the “hate speech” provision of the Criminal Code for his wilful promotion of hatred against Jews in his classes. The judges found that the “hate speech” provision infringed upon the Charter’s guarantee of freedom of speech. However, the majority of judges upheld the provision, finding that hate propaganda was a “pressing and substantial concern,” that there was a rational connection between the law and the objective of the law, that freedom of expression was impaired as little as possible, and that the limitation of hate speech is “only tenuously connected with the values underlying the guarantee of freedom of speech” (quoted in Russell et al., 2008, p. 282). Furthermore in *Edwards Books* (1986) the idea that measures “should impair as little as possible” was interpreted as meaning “as little as *reasonably* possible” (Hausegger, Hennigar, & Riddell, 2015, p. 357).

government to use the notwithstanding clause, as the government may be accused of trampling on individual rights. For example, in 1998 the Alberta government invoked the notwithstanding clause in proposed legislation to limit compensation to those who had been sexually sterilized without their consent by an Act of the legislature. After the *Edmonton Journal* ran the front-page headline, “Province Revokes Rights,” the public outcry resulted in the government withdrawing the proposed legislation within 24 hours (McLachlin, 2005).

The most widely publicized use of the notwithstanding clause was in 1988, when the Quebec National Assembly passed a law banning languages other than French on signs outside businesses. The law invoked the notwithstanding clause to protect the law from being challenged as a violation of the right to freedom of expression. However, the Quebec government did not seek to renew its use of the notwithstanding clause when the five-year limit ran out; instead it passed less-restrictive legislation.

There have been only a very small number of other uses of the notwithstanding clause by provincial legislatures, and it has not been used by the Canadian Parliament.



Dbrtravel/Doimages/Alamy Stock Photo

When the Quebec National Assembly banned languages other than French from signs outside businesses in 1988, it invoked the notwithstanding clause to protect the law from a Charter challenge. Although French must still dominate, the language restrictions have loosened since 2003, as seen in this sign outside the venerable Schwartz's deli in Montreal.

For example, in 1990 the Alberta legislature invoked the notwithstanding clause when amending the Marriage Act to define marriage as involving only opposite-sex couples. This turned out to be irrelevant when the Supreme Court of Canada ruled that defining marriage is a Canadian government responsibility. More recently, the Saskatchewan government in 2017 invoked the notwithstanding clause to override a court ruling that public funding of non-Catholic students in the Catholic school system is unconstitutional.

The notwithstanding clause that applies to certain sections of the Charter has been controversial. Supporters of the clause argue that it provides a degree of flexibility to ensure that legislators rather than unelected and unaccountable judges have the final say on some public policy matters. Further, it allows legislators to correct any undesirable interpretations of the Charter by the courts. The requirement that the notwithstanding clause has to be renewed within five years provides an opportunity for the public and legislators to reconsider whether the limit on a Charter right is desirable. Critics of the notwithstanding clause argue that it can undermine the protection of the fundamental rights that are established in the Charter. These rights help to ensure that minority groups and individuals are protected against arbitrary and discriminatory laws and policies.

The Charter and the Courts

The rights and freedoms listed in the Charter are quite broadly written and can even be considered somewhat vague. The courts have to interpret these rights as they apply to the particular cases that come before them. Judges are expected to examine precedents—that is, how the courts have interpreted a particular clause in similar cases. The lower courts are expected to follow the interpretations of the Supreme Court of Canada. However, the Supreme Court has not always felt bound by its previous rulings. For example, in 2002, the British Columbia government passed legislation that changed provisions of a collective agreement between health care workers and their employer allowing such measures as layoffs and contracting out services without discussion with the workers' union. In *Health Services and Support* (2007), the Supreme Court stated that its earlier decision that “the Charter did not guarantee the collective bargaining rights of public employees” did not “withstand principled scrutiny.” Thus, it ruled that the Charter's freedom of association provision protected the process of collective bargaining (quoted in Russell et al., 2008, p. 396).

Effects of the Charter on the Political Process

The Charter has increased the political significance of the courts. By striking down legislation and policies deemed to be violations of the Charter, the courts have become an increasingly important part of the political process. This, some argue, have made the unelected courts too powerful.

Given the potential importance of court decisions, many groups and individuals find it useful or necessary to use the courts to advance or defend their interests. The courts have encouraged this development by allowing a variety of groups and individuals to have intervener status so that they can present their positions in court. The Charter has thus provided another avenue for groups and individuals to engage in the political process. This is particularly helpful for groups that have trouble making their voices heard by government, legislators, and political parties.

Conservative critics of the courts have argued that feminists, civil liberties groups, those seeking greater social equality, and other “special interests” have succeeded in advancing causes that would not garner support from a majority of the public (Morton & Knopff, 2000). However, while groups seeking social change have gained considerable attention through their Charter cases, business interests have also made extensive use of the Charter (Hein, 2000).

Using the courts to advance political interests is very expensive. Taking a case to the Supreme Court of Canada can cost hundreds of thousands of dollars in legal fees. It can also be a very slow process, as it often takes many years before a case makes it to the Supreme Court. Furthermore, it diverts the energies of advocacy groups away from the political struggle for change (Mandel, 1994). It has also been argued that the Charter has contributed to the “legalization” or “judicialization” of politics. In part, this involves “the ever-accelerating reliance on courts for addressing core moral predicaments, public policy questions, and political controversies” (Herschel, 2008, p. 94). More generally, there has been a shifting of political discussion to legal abstractions, which “obscures ... the political nature of the choices being made” (Mandel, 1994, p. 4). Similarly it has been argued that the legalization of politics “has contributed to an impoverishment of Canadian democracy” (Petter, 2010, p. 226).

Does the Charter Help to Promote Socio-Economic Equality?

Social Rights

Rights that require government action, such as the right to education, housing, or employment.

The Charter does not include **social rights**, such as the right to education, housing, or employment. Such rights (which are included in some of the international treaties Canada has signed) require government action, including government spending, to provide the rights. Nevertheless, Section 15 of the Charter provides that “every individual ... has the right to the equal protection and equal benefit of the law.” Likewise, Section 36 of the Constitution Act, 1982 includes commitments to “promoting equal opportunities for the well-being of Canadians” and “providing essential public services of reasonable quality to all Canadians.”

Despite these provisions, governments have often resisted efforts to establish social rights, and only occasionally have the courts used these provisions to advance the provision of social rights (Porter & Jackman, 2014). For example, in *Tanudjaja v. Ontario and Canada*, a single mother of two who was studying to become a social worker was on a ten-year waitlist for public housing. Along with others facing homelessness and inadequate housing, various human rights organizations, including Amnesty International, argued that the Ontario government had failed to devise and implement a strategy to deal with this problem. Thus, it was argued that their rights to life, security of the person, and equality rights protected by the Charter were violated. However, the Ontario Court of Appeal, in a 2–1 decision, rejected this claim, arguing that the Charter protects individuals only against state actions—not inaction—and

economic, social, and cultural rights are not justiciable (Amnesty International, 2017). In 2015, the Supreme Court of Canada decided not to hear an appeal of the case.

In *Symes v. Canada*, the Supreme Court of Canada, in a 7–2 vote, rejected the claim that child care could be deducted from income tax as a business expense. In the majority view, the deduction lacked an income-earning purpose and was considered a personal expense. The opposing view held by two female justices was that child care expenses were vital to a woman’s ability to earn an income and thus infringed the right to equality (Lexbox 454 S.C.R. 695, 1993).

In 2004, the Supreme Court of Canada rejected a challenge by the Newfoundland Association of Public Employees to a provincial law that cancelled a 1988 pay equity agreement to increase the wages of health care employees in female-dominated occupations. Although the Supreme Court ruled that the law violated the equality clause of the Charter, it accepted the provincial government’s argument that it was a “reasonable limit” given the severe financial crisis the province was facing. However, despite the Supreme Court’s decision, in 2006, the provincial government agreed to give \$24 million in back pay to those who had been deprived of the pay increase.

Although considered in the development of the Charter of Rights and Freedoms, property rights were not explicitly protected in the Charter. In addition, the Charter does not provide any rights to a clean and healthy environment, unlike the more than 110 countries that have added environmental rights to their constitutions. The Charter also does not establish human responsibility for the rights of non-human species (Boyd, 2014, 2017).

Does the Charter Help to Foster National Unity?

The Charter defines a set of national values and may help to create a common sense of being Canadian based on our common possession of rights and freedoms. The Charter focuses attention on the rights of Canada-wide groups, including women, those with different gender identities, ethnic and racial minorities, and people with disabilities. It also focuses attention on national issues rather than on the concerns and grievances of particular provinces or regions (Cairns, 1992). And a national institution (the Supreme Court of Canada) has gained in power and visibility as a result of the Charter. In fact, despite the opposition of the Quebec government to the Constitution Act, 1982, Quebecers, like people in the rest of Canada, overwhelmingly support the inclusion of the Charter in the Constitution (Séguin, 2012; Simpson, 2011).

However, critics argue that the Charter can create an atmosphere in which individuals and groups aggressively assert and demand their rights. In making decisions that support the rights of one group, the courts may stir up conflicts between groups. Rather than trying to make decisions that balance the views or interests of different groups, judges may tend to make their decisions based on principles that distinguish winners and losers. In this respect, the ability of the Charter to foster national unity may be limited.

Summary and Conclusion

Canada’s Constitution is not to be found in a single document but rather consists of a variety of elements. The Constitution acts that form the cornerstone of the Constitution are the supreme law of the country and can be used by the courts to invalidate laws that are inconsistent with the Constitution. Ordinary laws of a

constitutional nature, constitutional conventions, and judicial interpretations of the Constitution are also key components of the constitution.

Canada’s Constitution acts are difficult to change. Nevertheless, governments have been able to work around the provisions of the Constitution to adjust to

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Chapter 11

Indigenous Rights and Governance



Kevin Frayer/Canadian Press Images

Under the gaze of Assembly of First Nations Chief Phil Fontaine (right, wearing headdress), Prime Minister Stephen Harper stands in the House of Commons on June 11, 2008, to officially apologize on behalf of all Canadians to former students of the “Indian” residential schools for more than a century of abuse and cultural loss involving the schools and their programs



Learning Objectives

After reading this chapter, you should be able to

- 11.1** Describe the quality of life of Indigenous peoples.
- 11.2a** Outline the historical background of the relations between Indigenous peoples and the Canadian government.
- 11.2b** Discuss proposals for change in the relations between Indigenous peoples and the Canadian government.
- 11.3a** Explain the significance of constitutional changes and court rulings in establishing Indigenous rights.
- 11.3b** Examine the key features of recent land claims settlements.
- 11.4a** Describe the changes to government policy concerning Indigenous peoples.
- 11.4b** Discuss what is needed to improve the relationship between Indigenous and non-Indigenous peoples.

In 2006, the Indian Residential Schools Settlement Agreement recognized the damage inflicted on Indigenous children by residential schools. The residential schools that took young people away from home were supported by the Canadian government and were run by the Roman Catholic, Anglican, Presbyterian, and United Churches. Beginning in 1894, attendance was compulsory. By the time the last school closed in 1996, about 150 000 children had gone through the system. The residential schools were very traumatic for students as there was harsh discipline; frequent physical and sexual abuse; and a determination to obliterate Indigenous traditions, languages, cultures, and religious beliefs. The goal of the schools was to assimilate students into the dominant Canadian culture. An estimated 6000 children died of malnourishment or disease while in the care of the residential schools.

In 2006, a class action suit on behalf of the victimized students settled 38 098 claims related to the abuse suffered by the Indigenous children, with a total payment by the Canadian government of \$3.164 billion to the surviving students. In addition, the Settlement Agreement provided \$60 million for establishing the Truth and Reconciliation Commission in 2008, headed by Judge Murray Sinclair.

Part of the Commission's mandate was promoting awareness to Canadians about what happened in the Indian Residential Schools, healing and repairing Canada's relations with Indigenous people and working toward a new relationship, giving survivors the opportunity to share their experiences, and completing the historical record (Truth and Reconciliation Commission of Canada, 2018).

On August 15, 2018, the Canadian government announced that it planned to declare a new federal statutory holiday to honour the survivors of the residential school system (Tasker, 2018, August 16)

Chapter Introduction

Indigenous people are generally much worse off than other Canadians in terms of lifespan, income, housing, employment, poverty, and education. They are also several times more likely to be victims of murder and have a much higher rate of suicide, alcohol and drug abuse, and incarceration.

Many Indigenous communities lack some of the necessities of life, such as safe drinking water and proper sewage facilities. Moreover, natural resource developments, such as mining, petroleum extraction, forestry, and dam construction often harm the environment of their communities, the health of their inhabitants, and the sustainability of their hunting, fishing, and trapping activities. The limited progress in improving public services provided to Indigenous people is particularly evident on First Nations reserves that are the responsibility of the Canadian government.

The Justin Trudeau government repeatedly emphasized its commitment to improving life for Indigenous people and created two departments to deal with Indigenous issues. However, the auditor general of Canada concluded that the federal government has not improved life for Indigenous people (Scholey, 2018, May 29). For example, socio-economic differences between Indigenous and non-Indigenous people have not been significantly reduced. Only 8 percent of those enrolled in a First Nations post-secondary education preparation program completed the program, probably because the government did not consult with First Nations or educational institutions to develop the program. The Canadian government's Indigenous Services department reported to Parliament that 46 percent of First Nations students had graduated high school in a four-year period. However, the auditor general found that only 24 percent had graduated in that time frame. The auditor general concluded that there was insufficient education funding for Indigenous people (Scholey, 2018, May 29).

The relationship of Indigenous peoples to the Canadian state and its governing structures poses difficult, but important, challenges. While many Canadians believe that all Canadians should be treated as equal citizens with the same rights, many Indigenous people argue that they should have special rights because of their prior occupancy of land that was often taken away from them illegally or

improperly. First Nations typically expect to relate to Canadian governments on a “nation-to-nation” basis. Indeed, some First Nations claim that they never gave up their sovereignty and thus argue that they should not be subject to Canadian laws without their approval.

More than 1.6 million Canadians (4.9 percent of Canada’s total population) consider themselves as having an Indigenous identity, according to the 2016 Census (Statistics Canada, 2016d). This was an increase from 3.8 percent of Canada’s population in 2006 and 2.8 percent in 1991. Specifically, 977 230 persons identified themselves as First Nations, 587 545 as Métis, and 65 025 as Inuit. Another 24 980 had multiple identities or other Indigenous identities. The Indigenous population is substantially younger than Canada’s non-Indigenous population; thus, Indigenous peoples will make up a higher proportion of Canada’s population in future decades.

There are 634 First Nations communities, representing more than 50 nations and more than 50 languages. Among registered First Nations people (“status Indians”—those of First Nations ancestry according to government policies and who are listed in the official Canadian government registry), 44.2 percent live on reserves (Indigenous and Northern Affairs Canada, 2017). Registered First Nations people are exempt from taxes on income earned on a reserve and from GST or HST on goods and services bought on a reserve. The registered First Nations population has increased greatly since the early 1980s, in part because of legislation (required as a result of the passage of the Canadian Charter of Rights and Freedoms) that ended the discrimination against Indian women who lost their Indian status if they married a non-Indian man. Likewise, the passage of the Gender Equity in Indian Regulations Act, 2011, increased the registered First Nations population, as the grandchildren of women who lost status by marrying non-Indian men can now be registered.

In this chapter we examine some of the problems faced by Indigenous peoples,¹ their constitutional status, the variety of court cases that have increasingly recognized Indigenous rights, the slow process of settling Indigenous land claims, and the movement toward self-government for Indigenous peoples.

The Problems Faced by Indigenous Peoples

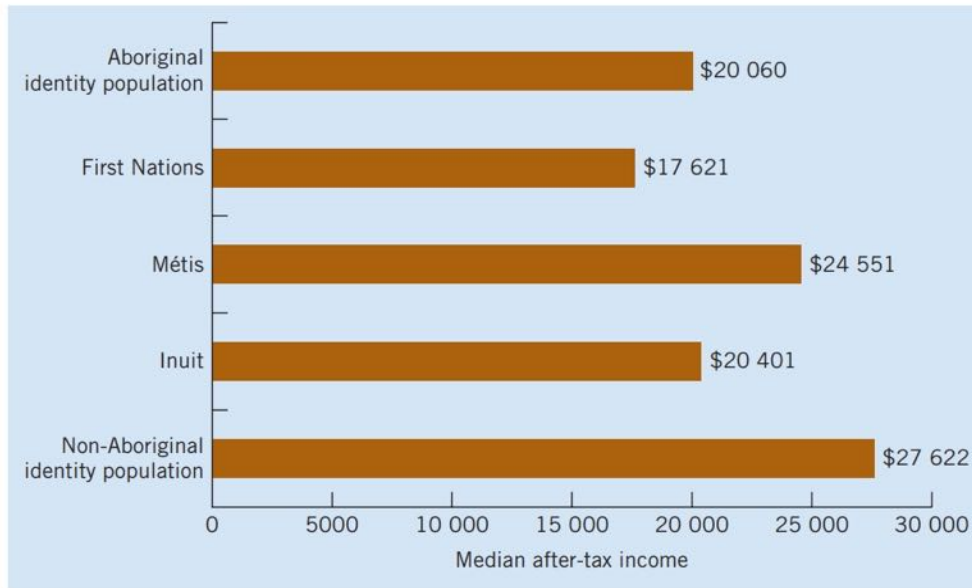
11.1 Describe the quality of life of Indigenous peoples.

Indigenous people, particularly those living on reserves, generally have a substantially lower quality of life than other Canadians. The median income for persons living on reserves is below the poverty line. About one-half of First Nations children live in poverty (Hildebrant, 2013). For details about Indigenous income see Figure 11-1.

The unemployment rate is substantially higher for Indigenous people than for other Canadians. For example, in 2011, the unemployment for working-age persons was 13 percent for Indigenous peoples, compared to 6 percent for Canada’s population

¹ Different terms have been used over time to describe Indigenous peoples living in Canada. Use of the word “Indian” has been on the decline due to its incorrect origin and connection to colonizer policies and institutions. However, many First Nations are still governed by the terms of the Indian Act that was originally adopted in 1876, and the distinction between “Status” (or “Registered”) Indians and “non-Status” Indians is still very important. The term “Aboriginal Peoples” was adopted by government and many national groups as the collective noun for First Nations, Inuit, and Métis and is used in Section 35 of the Constitution Act, 1982. In recent years, the federal government has generally used the term “Indigenous” rather than “Aboriginal”—an acknowledgement of Indigenous peoples’ international legal right to offer or withhold consent to development under the United Nations Declaration of the Rights of Indigenous Peoples.

Figure 11-1 Median After-Tax Income, by Indigenous Identity, Population Aged 15 Years and Older, Canada, 2010



NOTES: Excludes data for one or more incompletely enumerated Indian reserves or Indian settlements. The median income of a specified group of income recipients is that amount which divides their income size distribution into two halves, i.e., the incomes of the first half of individuals are below the median, while those of the second half are above the median. Median income of a group is calculated from the individuals with income in that group.

The three Aboriginal groups are based on the population reporting a single identity of "First Nations," "Métis," or "Inuit."

SOURCE: Statistics Canada, National Household Survey, 2011.

as a whole. For those on reserves, the unemployment rate was 22 percent (Indigenous and Northern Affairs Canada, 2011).

Slightly more than 44 percent of First Nations people with on-reserve housing reported that they were living in housing that needed major repairs, compared to 6.8 percent of non-Indigenous people who thought that their housing needed repairs (Statistics Canada, 2016c). Only 57.1 percent of First Nations between 25 and 64 years old were employed, compared to 75.8 percent of non-Indigenous people (Statistics Canada, n.d.).

Indigenous people living in remote or northern areas of Canada often face a variety of serious problems. These include unsafe drinking water, very limited local health care, costly food, lack of activities for children and young adults, and poor-quality housing. As well, education may be limited, with teachers often leaving remote communities. Residents living in remote communities may have to go to larger cities in the south to complete their high school education. This can be a traumatic experience. Indigenous people who move from remote areas to the cities often live in rough neighbourhoods where there is a high rate of crime, alcohol and drug abuse, and prostitution. In some cities, they are harassed by the police.

The Sixties Scoop

In the 1960s about 20 000 Indigenous children (about 20 percent of all Canadian children) were removed from their families (termed the "Sixties Scoop"). Most were placed by child welfare authorities in non-Indigenous homes, thus cutting them off from their own culture. This was often done without the consent

of their parents. Between 50 percent and 70 percent of Indigenous children in Saskatchewan and Manitoba were placed in care (Report of the Aboriginal Justice Inquiry of Manitoba, 1999). Some children were sent to the United States and as far away as New Zealand. In 2017, the Canadian government agreed to pay between \$25 000 and \$50 000 to each “Scoop” victim, as many had been seriously harmed. The \$800 million settlement included a controversial payment of \$75 000 in lawyer’s fees (Scholey, 2018, May 29).

Missing and Murdered Indigenous Women and Girls

In 2014, 15-year-old Tina Fontaine’s body was found in the Red River in Winnipeg. She was in the care of Manitoba Child and Family Services, and her father had been beaten to death. A suspect in Fontaine’s murder was acquitted by a jury in 2018. While this was not the first time that a First Nations girl who had moved from a reserve had been murdered in Winnipeg, it sparked demands for a national inquiry.

An Royal Canadian Mounted Police (RCMP) report identified 1017 Indigenous women across Canada who had been murdered between 1980 and 2012, while at least 164 Indigenous women and girls had been missing for at least 30 days. In 62 percent of murders, a spouse, other family member, or other intimate relation was responsible for the murder. Thirty percent were murdered by an acquaintance, and 8 percent of Indigenous women were murdered by strangers. The murder rate of Indigenous women was far higher than the rate for non-Indigenous women (Royal Canadian Mounted Police, 2014).

A series of tragic outcomes involving vulnerable Indigenous women led to growing demands from community leaders for a national inquiry into the issue. Robert Picton, a pig farmer in British Columbia, confessed to an undercover police officer that he had killed 49 women, including many Indigenous women from Vancouver’s eastside. He was convicted of six murders; other murder charges were not pursued. At least 18 Indigenous women were murdered along Highway 16 from Prince George to Prince Rupert, British Columbia. Other women disappeared and were never found. With no public transportation along this desolate highway, Indigenous women with no means of transportation often hitchhiked, leaving them vulnerable to predatory individuals.

In September 2016 the National Inquiry into Missing and Murdered Indigenous Women and Girls was launched. Four commissioners were appointed “to examine and report on the systemic causes of the tragic loss of Indigenous women and LGBTQ2S (Lesbian, Gay, Bisexual, Transgender, Queer, Two-Spirit) individuals by looking at the patterns and underlying factors.” The Inquiry sought to publicize the “hard truths about the devastating impacts of colonization, racism, and sexism—an aspect of Canadian society that many Canadians are reluctant to accept.” The goal of the inquiry was to “offer effective ways to protect the safety of Indigenous women and girls.”

In 2018, Greyhound announced that it would be ending all bus routes in the three Prairie provinces and British Columbia (except for the bus from Vancouver to Seattle) because it was losing money on those routes. This led to concerns that women (particularly Indigenous women) who could not afford airline tickets or did not live near an airport would be at risk if they wanted or needed to travel. The British Columbia government decided to fund BC Bus North for twelve months. However, the buses would operate only on a twice-a-week schedule (and once a week on one route).

At the time of writing, the inquiry faced considerable problems, including the resignation of two executive directors, many staff, and one commissioner. Some people claimed that insufficient support was provided to families and friends who testified. Both the Assembly of Manitoba Chiefs and an Indigenous coalition said that they did

not support the inquiry's request for a two-year extension to interview more victims and their families as they wanted more immediate action. The Minister of Crown–Indigenous Relations announced that the inquiry would be given only six more months to complete the hearings and would be required to submit its final report by April 30, 2019 (Dickson, 2018, April 6). Later, the release date for the final report was moved to June 3, 2019.

The Historical Background to Understanding the Situation of Indigenous Peoples and Proposals for Change

11.2a Outline the historical background of the relations between Indigenous peoples and the Canadian government.

11.2b Discuss proposals for change in the relations between Indigenous peoples and the Canadian government.

Unlike many other Indigenous peoples in the Americas and other parts of the world Indigenous peoples in Canada were never conquered by the European powers. Instead, many First Nations signed treaties with the French, British, and Canadian governments. These included the Great Peace (1701) between about 40 First Nations and New France, peace and friendship treaties with the British in the Maritimes (1725–1779), and the Upper Canada treaties (1764–1836) ceding various parcels of land in Ontario for cash payments. As well, Douglas treaties in the colony of Vancouver Island (1850–1854) were signed with 14 First Nations.

The Royal Proclamation of 1763 formalized British control over the former French colonies in Canada. It declared that “the several Nations or Tribes of Indians with whom we are connected and who live under our protection shall not be molested or disturbed in the possession of such parts of our dominions and territories as, not having been ceded or purchased by Us, are reserved to them, or any of them, as their hunting grounds.” To protect against exploitation from non-Indigenous settlers, private individuals were prohibited from buying land reserved for Indigenous people. Although the Royal Proclamation indicated that Indigenous people would continue to be self-governing in their internal affairs, the implication of the phrase “our dominions and territories” was that the British claimed “sovereign title” over the entire territory (Royal Commission on Aboriginal Peoples, 1996, vol. 1, p. 124).

The Constitution Act, 1867

Canada's Constitution Act, 1867, gave exclusive jurisdiction to the Parliament of Canada to make laws concerning “Indians, and Lands reserved for the Indians” (s.91 [24]).² However the Canadian government decided who is an “Indian” (generally

² This provision has usually been viewed by the Canadian government as applying primarily to the members of the First Nations living on reserves. Provincial laws and programs can also apply to First Nations, but the federal Indian Act is considered superior to provincial legislation. Generally, the Canadian government has provided services such as education, health care, and housing to those living on reserves, although the quality of those services has usually been inferior to those enjoyed by other Canadians.

“Status Indians” living on a reserve) and thus subject to Canadian government jurisdiction. In 2016, the Supreme Court of Canada in a 9–0 vote (*Daniels v. Canada*) ruled that the Métis and non-status Indians are “Indians” under the Constitution Act, 1867, and thus the responsibility of the Canadian government. This extended Indian rights to nearly 600 000 Indigenous people.

The Constitution Act, 1867, did not include any provisions concerning the rights of “Indians.” Instead, Canadian governments adopted a policy of trying to assimilate Indigenous peoples. As Canada’s first prime minister, Sir John A. Macdonald told Parliament, Canada’s goal was “to do away with the tribal system and assimilate the Indian people in all respects with the inhabitants of the Dominion” (quoted by the Royal Commission on Aboriginal Peoples, 1996, p. 165).

After Confederation, the Canadian government sought to expand the new country and open it up to large-scale immigration. Eleven numbered treaties (from 1871 to 1921) in the Prairies, the North, and parts of what are now northern Ontario and northeastern British Columbia involved First Nations ceding ownership of large areas of land in return for small remote reserves, annual cash payments, and other benefits (such as clothing, ammunition, and hunting and fishing rights). In many cases, the written text of the treaties differed substantially from the oral agreements and promises made to the First Nations. From the perspectives of First Nations, the treaties were permanent agreements to share the land in a peaceful manner that did not interfere with their way of life (Royal Commission on Aboriginal Peoples, 1996).

The Indian Acts

Under the Indian Acts passed by Parliament beginning in 1876, the Canadian government tried to strictly control the lives of First Nations peoples and their communities. The Canadian government placed an official (the “Indian agent”) in charge of each reserve. The people of First Nations were considered “wards” of the state rather than citizens. Efforts were made to destroy First Nations cultures. For example, some First Nations cultural practices were declared illegal, including the potlatch, a feasting ceremony of the peoples of northwestern North America in which the host gains prestige by giving gifts or, sometimes, by destroying personal wealth. As well, many bands were required to elect band councils in keeping with Canadian models of governance rather than the traditional First Nations models of governance that relied on the wisdom of tribal elders.

In effect, the Canadian government acted like the imperialist powers whose racist belief in the superiority of Europeans was used to try to justify the subjection of indigenous peoples around the world. Because they were deemed to be incapable of governing themselves, it was thought that Indigenous people needed to remain under the tutelage of the Canadian government and had to be encouraged to adopt the values and practices of the more “advanced” or “superior” civilization. The overall effect of control by the Canadian government, according to a 1983 House of Commons committee report (the Penner Report), was to turn “previously free self-sustaining First Nations communities” into a state of “dependency and social disorganization” (quoted in Prince & Abele, 2005, p. 243).

The system of reserves tended to isolate the First Nations from the Canadian mainstream and thus was inconsistent with the goal of assimilation. However, the Canadian government tried to encourage Status Indians to give up their Indian status and assimilate into the general population (a process termed “enfranchisement”). As Duncan Campbell Scott, deputy superintendent general of Indian Affairs, stated in 1920, “I want to get rid of the Indian problem. Our object is to continue until there is not a single Indian in Canada that has not been absorbed into the body politic and there is no Indian question, and no Indian Department” (quoted in Cairns, 2004, p. 351). Very few First Nations people voluntarily gave up their status. However,

those who accepted a government offer of money and land, voted in Canadian elections, owned property, or served in the Armed Forces were often required to give up their Indian status.

Proposals for Change

THE HAWTHORN REPORT In 1963, the Canadian government commissioned a major study of the condition of Indians under the direction of anthropologist Henry Hawthorn. The **Hawthorn Report** was critical of the Canadian government's policy of treating First Nations people as wards rather than as citizens and recommended that they be regarded as "**citizens plus**" (Cairns, 2000). That is, "in addition to the normal rights and duties of citizenship, First Nations people possess certain additional rights as charter members of the Canadian community" (quoted in Cairns, 2000, pp. 161–162). The Hawthorn Report was also critical of the long-standing government policy of assimilation, and recommended that Indians should not be forced to acquire the values of the majority society (Dickason, 2009).

THE WHITE PAPER ON INDIANS Prime Minister Pierre Trudeau rejected the Hawthorn Report's key recommendation. Trudeau's view (consistent with his rejection of a "special status" for Quebec) was that all Canadians should be treated as individual citizens, with each person having the same rights. Pierre Trudeau's view was reflected in the Canadian government's **White Paper on Indians** (Government of Canada, 1969), which argued that "the separate legal status of Indians and the policies which have flowed from it have kept the Indian people apart from and behind other Canadians." Instead, First Nations people should have the fundamental right "to full and equal participation in the cultural, social, economic and political life of Canada" (Indian and Northern Affairs, 1969). To achieve this, the White Paper proposed ending the different legal status of First Nations people and the separate provision of services to them. Specifically, the special responsibility of the Canadian Parliament to legislate for First Nations people would be ended, the Canadian government's Indian Affairs Department would be phased out, and provincial governments would be responsible for providing the same services (such as health, education, and welfare) as provided to other provincial residents. Control of First Nations lands would be transferred from the government to First Nations people bands, with each band deciding whether to manage the lands itself or to transfer title to individuals. Although "lawful obligations" would be recognized, the White Paper viewed treaties as providing minimal benefits to First Nations, and thus called for a review to see how the treaties could be "equitably ended."

The White Paper held out the promise that Indigenous identities could be strengthened, and their distinctive cultures preserved, while Indigenous peoples would play a full role in Canadian society. However, in a bestselling book, *The Unjust Society*, Alberta Cree leader Harold Cardinal (1969) condemned the White Paper as "a thinly disguised programme of extermination through assimilation" (p. 1). Many First Nations leaders mobilized strong opposition to the proposals in the White Paper (which was withdrawn in 1971) because they wanted to maintain their distinctive status and collective rights. This mobilization fuelled the development of politically active Indigenous organizations and the willingness and determination of Indigenous peoples to take political action to pursue their rights.

Initially some First Nations leaders who opposed the White Paper advocated the "citizens plus" concept of the Hawthorn Report. However, within a short time, the developing First Nations movement turned to gaining recognition of what they viewed as their **inherent right of self-government**—that is, the right to govern themselves based on their independence before European colonization. The movement viewed this right as *inherent* in that it was not ceded by First Nations and thus did not depend on the Canadian Constitution or Canadian law (McNeil, 2007).

Hawthorn Report

A Canadian government report that recommended that First Nations people should have rights in addition to those of other citizens and not be forced to assimilate into the majority society.

Citizens Plus

The idea that First Nations people possess certain rights in addition to the normal rights and duties of citizens.

White Paper on Indians

A 1969 Canadian government discussion paper that proposed to end the different legal status of First Nations people.

Inherent Right of Self-Government

The perspective that First Nations have the right to govern themselves based on their independence before European colonization, a right that was never ceded.

Royal Commission On Aboriginal Peoples

A Royal Commission established by the Canadian government that recommended a fundamental restructuring of the relationship between Indigenous and settler societies based on the recognition of Indigenous nationhood.

THE ROYAL COMMISSION ON ABORIGINAL PEOPLES In 1991, the Canadian government established the **Royal Commission on Aboriginal Peoples**, headed by four Indigenous and three non-Indigenous commissioners. Its 4000-page report, published in 1996, detailed the ill treatment and injustices suffered by Indigenous peoples. The Royal Commission called for a fundamental restructuring of the relationship between Indigenous and settler societies based on the recognition of Indigenous nationhood. In the commissioners' view, Canada should be based on a partnership of Indigenous and non-Indigenous nations, with the details of the relationship to be worked out on a nation-to-nation basis. The hundreds of specific recommendations of the Royal Commission, 1996 included the following:

- A new Royal Proclamation acknowledging past injustices and recognizing the inherent right of Indigenous peoples to self-government.
- A Lands and Treaties Tribunal to speed up the process of settling land claims, with the authority to impose binding orders if negotiations fail.
- Consolidation of more than 600 Indian bands into 60 to 80 self-governing nations with an average population of 5000 to 7000 people and an enlarged land base.
- Recognition of Indigenous governments as a "third order" of government in Canada (federal, provincial/territorial, and Indigenous), each autonomous with its own spheres of jurisdiction and sharing the sovereignty of Canada as a whole. Indigenous governments would be subject to the Charter of Rights and Freedoms.
- Establishment of an Indigenous House of First Peoples to provide advice to the House of Commons and Senate and eventually empowered to initiate and pass legislation crucial to Indigenous peoples.
- A very substantial increase in funding by the Canadian government to deal with Indigenous problems, and the adoption of an equalization formula to ensure that Indigenous governments had the financial capacity to provide services to their people equivalent to the services provided by other governments.
- Indigenous people would be citizens of the First Nation community to which they belonged as well as citizens of Canada.

(For more information about the Report of the Royal Commission on Aboriginal Peoples, go to www.aadnc-aandc.gc.ca/eng/1100100014597.)

Indigenous leaders generally responded positively to the report and demanded the implementation of its recommendation. Some Inuit leaders, however, felt that the report did not give sufficient attention to the problems faced by their people. The Canadian government did little to deal with the recommendations of the Royal Commission.

The Constitution Act, 1982, Indigenous Rights, and Land Claims

11.3a Explain the significance of constitutional changes and court rulings in establishing Indigenous rights.

11.3b Examine the key features of recent land claims settlements.

The Constitution Act, 1982 (s.35), recognized "the existing aboriginal and treaty rights" of First Nations, Inuit, and Métis peoples. A constitutional amendment in 1983 clarified that rights established by current and future land claims agreements are constitutionally protected and that Indigenous and treaty rights are guaranteed equally to male and female persons.

More controversial was the issue of Indigenous self-government. Although a First Ministers Conference on Aboriginal Rights was held in 1987, it failed to reach agreement on Indigenous self-government. Subsequently, constitutional negotiations involving the prime minister and the premiers resulted in the Meech Lake Accord. As discussed in Chapter 10, Indigenous representatives were excluded from the Meech Lake constitutional negotiations that focused on recognizing Quebec as a “distinct society.” The persistent opposition of Elijah Harper, a member of the Manitoba Legislature from the Red Sucker Lake First Nation, helped to defeat the Meech Lake Accord in 1990.

The Charlottetown Accord (1992), an agreement on a package of constitutional changes reached by the Canadian government, provincial and territorial leaders, and four national Indigenous organizations, included a proposal to recognize the inherent right of Indigenous self-government. The accord would have set the framework for Indigenous governments as a “third order” of government. These governments would have the authority “to safeguard and develop their languages, cultures, economies, identities, institutions, and traditions and to develop, maintain and strengthen their relationship with their lands, waters and environment, so as to determine and control their development as peoples according to their own values and priorities and to ensure the integrity of their societies” (Consensus Report on the Constitution, 1992, pp. 37–38). However, the accord was defeated in a national referendum.

Land Claims and Modern Treaties

In most of British Columbia, Quebec, Newfoundland and Labrador, and the three territories, governments historically took control of the land without signing treaties with Indigenous groups. In the Maritimes, the peace and friendship treaties did not involve giving up Indigenous rights to their land and its resources. In British Columbia, the provincial government did not see the need for treaties to extinguish the land rights of Indigenous peoples as they didn’t recognize their title to the land (BC Treaty Commission, 2008). In other parts of the country, First Nations argued that the Canadian government did not fulfill the promises made when they signed treaties. As various groups started to pursue land claims in the courts, an amendment to the Indian Act in 1927 made it illegal to raise funds to pursue land claims (a restriction that was ended in 1951).

Indigenous groups have launched legal actions as they pursue recognition of their communal rights³ and title to traditional lands. In several important decisions, the Supreme Court of Canada recognized Indigenous rights and, since 1982, expanded upon the meaning of the recognition and affirmation of “existing aboriginal and treaty rights” in the Constitution Act, 1982.

The Supreme Court of Canada decision in 1973 supporting the claim by the Nisga’a Tribal Council in British Columbia that “their aboriginal title to their ancient tribal territory . . . has never been lawfully extinguished” opened the door to recognition of land claims (*Calder v. Attorney General of British Columbia*, 1973). While the court recognized that Indigenous title to land could exist through occupancy before European settlement, it was divided on whether that right had been extinguished in this case.

Four of the seven judges dismissed the case on the technicality that the tribal council had not received the required permission to sue the government. Three of the four judges who voted for dismissal went on to say that the governor of British Columbia, when the province was a colony of the United Kingdom, had acted within his powers to take possession of all lands in the colony and that the Royal Proclamation of 1763 did not apply

³ Communal rights are “grounded in the existence of a historic and present community, and exercisable by virtue of an individual’s ancestrally based membership in the present community” (*R. v. Powley*, 2003).

to British Columbia. In their view, the “right of occupancy” that the Nisga’a “might have had” was ended when “the sovereign authority elected to exercise complete dominion over the lands in question.” The three judges who supported the Nisga’a claim argued that the actions of the British Columbia governor to remove the Nisga’a’s Indigenous title were beyond the scope of his powers. The Nisga’a had a legal right that could be extinguished only “by surrender to the Crown or by competent legislative authority, and then only by specific legislation” (*Calder v. Attorney General of British Columbia*, 1973).

A Supreme Court of Canada decision in 1984 (*Guerin v. The Queen*) recognized Indigenous title as “a legal right derived from the Indians’ historic occupation and possession of their tribal lands” (quoted in Hogg, 2006, p. 634). The Supreme Court also ruled that the Crown has a fiduciary (trust or trust-like) obligation to act in the best interests of the band, including their interests in the land that had been surrendered to the Crown. These Supreme Court decisions have helped to persuade the Canadian government to negotiate treaties (using the term “land claims agreements”) in areas of the country where none existed.

In *Delgamuukw v. British Columbia* (1997), the Supreme Court ruled that oral histories can be admissible as evidence concerning Indigenous traditional occupancy of lands where written records do not exist, and that the Indigenous perspective on their practices, customs, and traditions, and on their relationship with the land, should be given due weight by the courts. Chief Justice Lamer concluded, “Ultimately, it is through negotiated settlements, with good faith and give-and-take on all sides, reinforced by the judgments of this Court, that the reconciliation of the pre-existence of aboriginal societies with the sovereignty of the Crown [will occur]. Let us face it, we are all here to stay.”

The Supreme Court also ruled in *Delgamuukw* that Indigenous title to land (determined by occupation at the time of the Crown’s assertion of sovereignty) is not just a right to activities such as hunting and fishing. Indigenous title to land is distinct from other forms of property ownership in that it can be sold only to the federal Crown, is held collectively by the band members, and cannot be held by individuals. It also grants the right to engage in a variety of activities on the land as long as they do not impair traditional use of the land by future generations. The Indigenous title to land can be infringed by the Canadian or provincial governments only “in furtherance of a legislative objective that is compelling and substantial” to the broader Canadian community (of which Indigenous communities are a part) and ordinarily requires fair compensation for the infringement.

Further elaboration of the rights of First Nations who did not cede the land they used through a treaty was provided by the Supreme Court of Canada in 2014 (*Tsilhqot’in v. British Columbia*). The case arose in 1983 when the Tsilhqot’in First Nation objected when the British Columbia government granted a company a logging licence on land they used. In the unanimous judgment, “Aboriginal title ... confers on the group that holds it, the exclusive right to decide how the land is used and the right to benefit from those uses, subject to the restriction that the uses must be consistent with the group nature of the interest and the enjoyment of the land by future generations.” Any action by government that limits this benefit requires “demonstrating both a compelling and substantial governmental objective ... consistent with the fiduciary duty owed by the Crown to the Aboriginal group.”⁴

Since claims to the title of traditional lands often take decades to be adjudicated, the Supreme Court has ruled that the “Honour of the Crown” imposes a duty to consult and, if necessary, to accommodate the interests of Indigenous peoples before authorizing actions that could diminish the value of the land they are claiming. This obligation “from the assertion of sovereignty to the resolution of

⁴ This ruling established Indigenous title to 17 000 square kilometres of land that the semi-nomadic bands had traditionally used.

Box 11-1 Big Oil Versus Indigenous Rights: The Northern Gateway Pipelines

In 2012, hearings began on the proposal by Enbridge Corporation to build a dual pipeline that would carry 525 000 barrels of oil per day from northern Alberta's oil sands to Kitimat, British Columbia. The major oil companies were anxious to gain approval for the Northern Gateway pipelines that would deliver crude oil and diluted bitumen from Alberta's oil sands to energy-hungry Asian markets, particularly China.

Enbridge asserted that the pipelines would add \$270 billion to Canada's gross domestic product over a period of 30 years and would create 1150 long-term jobs. Despite the anticipated economic benefits from the pipelines, the potential for long-lasting damage to one of the last intact temperate rainforests, as well as the land's great importance to First Nations, made the outcome highly controversial. Following the controversial hearings that recommended approval of the pipelines (subject to many conditions), the Harper government approved the \$7.9 billion pipelines in 2014.

However, the pipelines would pass through territory claimed by a number of First Nations communities that feared

that an oil spill would cause immense damage to their ancestral lands and important salmon fisheries. As well, large oil tankers leaving Kitimat would have to navigate treacherous waters. With Enbridge's promises of community benefits to the area's First Nations and a 10 percent share in the pipelines, some First Nations supported the pipelines project. However, many other First Nations along the proposed route threatened legal action to stop the pipelines because they had not been properly consulted. Many environmental groups also strongly opposed the pipelines. However, with President Trump's March 24, 2017 approval of the controversial Keystone XL pipeline that would carry 800 000 barrels of oil per day from Alberta to refineries in the United States (although with opponents still fighting against the potential pipeline as of May, 2019), the cancellation of the Northern Gateway Pipelines was no longer a major political issue. On July 24, 2017 the Justin Trudeau government directed the National Energy Board to cancel the Northern Gateway project.

claims and the implementation of treaties" (*Haida Nation v. British Columbia*, 2004) affects many major natural resource developments that are on lands that are subject to treaty negotiations. (See Box 11-1: Big Oil Versus Indigenous Rights: The Northern Gateway Pipelines.)

Fishing and Hunting Rights

The extent to which Indigenous rights to fish and hunt are constitutionally protected has been at the heart of many legal cases. In particular, the *Sparrow* case (*R. v. Sparrow*, 1990) involved a member of British Columbia's Musqueam Band charged with fishing with a larger net than allowed by the band's food fishery licence issued under the federal Fisheries Act regulations. The Supreme Court found that the right of the members of the band to fish was an existing Indigenous right and thus guaranteed by the Constitution.

The government's argument that Fisheries Act regulations had extinguished the right to fish was rejected. The court ruled that the regulations controlled the fisheries but did not extinguish underlying rights. Further, the Supreme Court judgment stated that the phrase "existing aboriginal rights" in the Constitution Act, 1982 "must be interpreted flexibly so as to permit their evolution over time" (*R. v. Sparrow*, 1990). In other words, the traditional rights of Indigenous people to fish and hunt were not limited to the use of spears and bows and arrows that were used by their ancestors.

Fishing rights were also at issue in the *Marshall* case. This case involved the interpretation of a historic treaty signed by a people who had relied on their understanding of oral negotiations rather than on a document they were unable to read (as discussed in Box 11-2: Standoff at Burnt Church: The *Marshall* Rulings).

Métis Hunting Rights

In 2003, Steve and Roddy Powley, members of the Métis community in the Sault Ste. Marie area, were charged with unlawfully hunting a moose without a licence. The Supreme Court of Canada (*R. v. Powley*, 2003.) ruled that the Métis community had a

Box 11-2 Standoff at Burnt Church: The *Marshall* Rulings

On October 3, 1999, violence occurred at Burnt Church, New Brunswick, after non-Indigenous fishers destroyed Mi'kmaq lobster traps. The traps had been set out during the closed season by Mi'kmaq fishers, who maintained that a Supreme Court ruling based on a treaty dating back to 1760 authorized them to fish out of season. In the midst of allegations and retaliatory actions, one thing was not disputed—the direct origins of the incident at Burnt Church began with the case of Donald Marshall, Jr.

The *Marshall* case involved a Mi'kmaq who had been charged with fishing and selling eels without a licence and fishing during the closed season with illegal nets. Lawyers for Marshall claimed that he had a right to catch and sell fish under the 1760 Mi'kmaq peace and friendship treaty with the British governor of Nova Scotia. During the negotiations for the 1760 treaty, Indigenous leaders asked for “truckhouses” (trading posts) “for the furnishing them with necessaries, in Exchange for their Peltry.” However, the treaty itself did not contain any provisions linked to this request. Nevertheless, the Supreme Court of Canada in September 1999 ruled that the minutes of the negotiations over the treaty should not be excluded as evidence given “the difficulties of proof confronted by aboriginal people” (*R. v. Marshall*, 1999). The court defined “necessaries” as the right to a “moderate livelihood,” which could be obtained through fishing and hunting and trading such products subject to “justifiable” regulations by the government. Since the prosecution had not provided justification for the regulations, Marshall was acquitted.

The Supreme Court ruling provoked an uproar. Non-Indigenous fishers complained that Indigenous people would

have “unlimited and unregulated access” to the Atlantic fishery, depriving the non-Indigenous fishers of their livelihood (quoted in Russell et al., 2008, p. 453). Indigenous groups’ statements that the ruling would allow them to claim rights to the region’s timber and mineral resources caused further concern. The Supreme Court of Canada refused a request for a re-hearing of the *Marshall* case. However, in a very unusual move, the Supreme Court decided to elaborate on their ruling.

In their second judgment, on November 17, 2007, the Supreme Court reaffirmed that the treaty rights involved the right to a “moderate livelihood” by hunting, fishing, and berry picking but did “not extend to the open-ended accumulation of wealth.” The Canadian and provincial governments could regulate Indigenous fishing for conservation or “other compelling and substantial public objectives,” including fishing by non-Indigenous groups, provided there was consultation with Indigenous peoples about limitations on their rights (quoted in Russell et al., 2008, pp. 458–459).

The Supreme Court’s clarification of its first ruling did not end the tension between Indigenous and non-Indigenous fishers and between Indigenous peoples and the Department of Fisheries and Oceans. Eventually, however, all First Nations in the area gave up their right to fish for a “moderate livelihood” in return for the boats, equipment, training, licences, and quotas needed for a commercial fishery, subject to the same regulations as non-Indigenous fishers. Thus, the *Marshall* decision did not result in the restoration of a traditional way of life (Bedford, 2010).

traditional Indigenous right to hunt for food under Section 35 (1) of the Constitution Act, 1982. The case is particularly important because it established that members of a Métis community had Indigenous rights. Specifically, the Métis were defined as “distinctive peoples who, in addition to their mixed ancestry, developed their own customs and recognizable group identity separate from their Indian or Inuit and European forebears.”

The Supreme Court’s Interpretation of Indigenous Rights

Overall, as the cases in the preceding pages illustrate, the Supreme Court of Canada has played a significant role in determining Indigenous and treaty rights by taking into account the history and circumstances of Indigenous peoples rather than applying a narrow legal interpretation of those rights. Nevertheless, the Supreme Court has indicated that these rights are not absolute, but rather some limitations can be placed on them. For example, government regulations for the conservation of resources may be justified, and Indigenous rights to fish and hunt for food do not necessarily give Indigenous peoples an exclusive right to commercial use of these resources. Likewise, the Supreme Court has asserted that “distinctive aboriginal societies exist within, and are a part of, a broader social, political and economic community, over which the Crown is sovereign” (*Delgamuukw v. British Columbia*, 1997).

Generally, the courts have established that Indigenous title to land is different from that of Canadian common law regarding private property. Nevertheless, the decisions of the courts in defining Indigenous title and the use of land differs from the perspective about Indigenous title of many First Nations.

The Supreme Court has generally avoided ruling on the right to self-government, arguing that this is best achieved through negotiations between First Nations and the federal and provincial governments. When rejecting an Indigenous gambling law that conflicted with the Canadian Criminal Code, the Supreme Court stated that “any asserted right to self-government, must be looked at in light of the specific circumstances of each case and, in particular, in light of the specific history and culture of the aboriginal group claiming the right” (*R. v. Pamajewon*, 1996).

Negotiating Comprehensive Land Claims Agreements

As a result of the *Calder* ruling (discussed above), the Canadian government in 1973 began to negotiate comprehensive land claims with First Nations that had not signed treaties in the past. In negotiating **comprehensive land claims agreements** (which are also referred to as modern treaties), the Canadian government has insisted that the settlement of land claims provide a full and final settlement of Indigenous rights. Most Indigenous groups have made the establishment of the right to self-government an essential component of any settlement. The process of reaching land claims settlements has been drawn out and fraught with difficulties. For example, negotiations with the Nisga’a (whose chiefs had canoed to Victoria in 1887 to demand a treaty) began in 1976; an agreement was not reached until 1998. In 2014 the Nisga’a finally paid off the \$84 million debt that they had incurred to pursue their treaty (discussed below).

The agreements that have been reached generally involve removing the group from the provisions and benefits of the Indian Act. In return, Indigenous groups have been awarded specific rights and benefits (such as a cash settlement) and provisions for self-government (Papillon, 2008). Modern treaties generally recognize the right of First Nation governments to provide many public services, manage their natural resources, and determine who are the citizens of their First Nation. The treaties specify that First Nation governments are subject to the Canadian Charter of Rights and Freedoms. The powers of First Nation governments set out in recent agreements are constitutionally protected and therefore cannot be changed without the approval of the First Nation government.

The first agreements in the James Bay area and northern and northeastern Quebec (1975 and 1978) were negotiated by the Canadian government to avoid the possibility that the Supreme Court of Canada might grant the Cree and Inuit an injunction to block the development of a large hydroelectric project that would flood lands claimed by these groups. Since then, a number of self-government agreements have been reached (with many as part of comprehensive land agreements). However, a much larger number of agreements are still in the lengthy process of negotiation. Overall, as of May 2018, 26 treaties (called modern treaties or comprehensive land claims agreements) have been signed with some of them including self-government provisions⁵ (landclaimscoalition.ca).

In British Columbia, an independent treaty commission was established in 1992 to facilitate negotiations involving the Canadian and British Columbia governments and First Nations. After intense controversy, a landmark treaty was ratified in 2000, establishing self-government for the Nisga’a in northwest British Columbia (See Box 11-3: Nisga’a Self-Government Sparks a Public Outcry.) The treaty provides the Nisga’a Lisims government with the authority to make laws concerning such matters as culture and language, public works, regulation of traffic and transportation, land

Comprehensive Land Claims Agreements

Agreements involving First Nations that had not signed treaties giving up their land.

⁵ This constitutional protection does not require a formal constitutional amendment, as Section 35 of the Constitution Act, 1982, provides for recognition of rights that may be acquired through land claims agreements.

Box 11-3 Nisga'a Self-Government Sparks a Public Outcry

In 1998, the final agreement on the Nisga'a comprehensive land claims caused a public outcry in British Columbia. Open-line radio shows and letters to the editor were filled with scathing comments. Critics argued that the treaty discriminated against non-Indigenous people, and fears were raised that claims by various Indigenous groups could result in all the land in British Columbia being returned to Indigenous peoples.

Opponents of the agreement demanded political action. They lobbied for a province-wide referendum on the treaty, and British Columbia Liberal opposition leader Gordon Campbell mounted a 30-day filibuster in the British Columbia legislature. Similarly, the Reform Party of Canada proposed 471 amendments to the treaty in the House of Commons to try to delay its passage. The British Columbia Liberals challenged the treaty in court, arguing that it was unconstitutional because it infringed upon federal and provincial legislative powers. However, the British Columbia Supreme Court ruled

that the distribution of legislative powers between Parliament and provincial legislatures in the Constitution Act, 1867, did not preclude the right of the Nisga'a government to exercise legislative powers and that the treaty was compatible with the sovereignty of the Canadian state (*Campbell et al. v. Nisga'a*, 2000).

Campbell's British Columbia Liberals gained power in a landslide victory in the 2001 election but decided not to appeal the loss of their legal challenge to the Nisga'a treaty. Instead, the British Columbia government held a non-binding referendum in 2002 to address the controversy (although the treaty was already in effect). Voters were asked whether they agreed with eight statements that criticized various elements of the treaty, such as "Private property should not be expropriated for treaty settlements." Voters agreed with such statements by large margins, but only 35 percent of the electorate bothered to fill out the mail-in ballot (Lochead, 2004).

use, solemnization of marriages, health, child welfare, and education services. The authority of the Nisga'a government is not exclusive in these areas, but on some subjects Nisga'a law prevails if in conflict with federal or provincial law; on other subjects federal or provincial law prevails. The Nisga'a government received the authority to levy income and sales taxes and collect royalties on their land's resources. They were also given ownership of 2019 square kilometres of land, with the authority to manage forest resources provided they meet or exceed provincial forest standards. In addition, the agreement included a phasing out of the exemption from paying income tax for those on the reserve. The Nisga'a have to pay provincial and federal sales taxes.

The Nisga'a government received a payment of \$190 million spread over 15 years, along with fiscal arrangements that would allow the Nisga'a government to provide equivalent health, education, and other social services to those enjoyed by other people in the region. They were also given a share of the total allowable salmon catch in the region. Although some Nisga'a argued that their negotiators had given up too much to reach agreement (e.g., by gaining less than 10 percent of traditional lands), 61.2 percent of Nisga'a voters approved the treaty (Lochead, 2004). (For more information about the British Columbia treaty process and the Nisga'a treaty, go to the BC Treaty Commission: www.bctreaty.net, and for the Nisga'a treaty: www.gov.bc.ca/arr/firstnation/nisgaa/default.htm.)

As of August 2018, only four final treaty agreements had been reached and ratified by the British Columbia and Canadian governments, while eight other First Nations had reached an agreement in principle. One hundred ninety-eight bands in British Columbia did not have a constitutionally protected agreement. More than \$523 million in debt has been incurred by British Columbia. First Nations to pay for the costs of negotiations. In May 2018, an agreement on a new plan to expedite the treaty process was reached (Hayward, 2018, May 16).

Nunavut

In 1993, a comprehensive land claims agreement was signed with the Inuit in the eastern Arctic, giving the Inuit ownership of 18 percent of the land (including sub-surface mineral rights in 2 percent of the vast territory), \$1.173 billion over 14 years,



Jonathan Hayward/Canadian Press Images

The 22 independent members of the Nunavut legislative assembly govern using the consensus model, a system inherited from the Northwest Territories. Without the need for a division between government and opposition benches, the legislature chamber in Iqaluit was designed in the round, and members of the legislative assembly meet in a circle.

co-management of land and resources, natural resource royalties on Crown land, and hunting and fishing rights (Henderson, 2007). It also involved an agreement to establish the new territory of Nunavut, which would take over wildlife and natural resource management, land use planning, and property taxation. The benefits of the Nunavut land claims agreement are administered for the social, cultural, and economic well-being of Inuit by Nunavut Tunngavik Inc., the legal representative of the Inuit in Nunavut. The Nunavut government is the public government representing all persons in the territory (rather than based on ancestry).⁶ (For more information about Nunavut, go to Inuit Tapirit Kanatami: www.itk.ca.)

Specific Claims

Comprehensive land claims agreements in areas where no treaties were signed are not the only category of claims that need negotiating. A large number of **specific claims** exist, based on allegations that treaties and other legal obligations of the Canadian government have not been fulfilled or that the Canadian government has not properly administered the lands and other assets of Indigenous peoples. A number of the claims go back to the nineteenth century. The negotiation process established in 1973 to settle specific claims was extremely slow, with claims taking an average of 13 years to be settled. A more streamlined process created in 2008 allows First Nations to use the independent Specific Claims Tribunal, consisting of superior court judges, if their claim has not been resolved within a specified period of time or has not been accepted for negotiation. The tribunal has the power to make binding decisions and provide monetary compensation of up to \$150 million. The specific claims process does not establish rights to self-government.

As of March 2018, more than 460 specific claims had been settled; about 481 more were in process; and additional claims were being prepared. The process for settling specific claims has been criticized for being very slow, despite efforts to improve the process. In October 2017, the Canadian government announced that the specific claims process would be overhauled for the second time (APTN National News, 2017). (For more information about specific claims, go to Specific Claims Tribunal Canada: www.sct-trp.ca.)

Specific Claims

Claims by Indigenous groups based on allegations that treaties and other legal obligations of the Canadian government have not been fulfilled or that the Canadian government has not properly administered Indigenous lands and other assets.

⁶ Similarly, the Kativik regional government in the far north of Quebec (established in 1978) is elected by and provides services to both Inuit and non-Inuit people, while the Makivik Corporation administers the benefits of the land claims agreement for the Inuit people of the region.

Indigenous Self-Government

11.4a Describe the changes to government policy concerning Indigenous peoples.

11.4b Discuss what is needed to improve the relationship between Indigenous and non-Indigenous peoples.

Inherent Right of Self-Government Policy

A Canadian government policy recognizing an inherent right to Indigenous self-government.

In 1995, the Canadian government announced its **Inherent Right of Self-Government Policy**. Specifically, Indigenous peoples would “have the right to govern themselves in relation to matters that are internal to their communities, integral to their unique cultures, identities, traditions, languages and institutions and with respect to their special relationship to their land and their resources” (quoted in Abele & Prince, 2007, p. 178). This right would be exercised under the existing Constitution, with the Charter of Rights and Freedoms applying to Indigenous governments. Laws of federal and provincial importance would prevail over laws passed by these governments. The Canadian government would maintain its exclusive authority in areas such as defence and external relations, management of the national economy, maintenance of national law and order and criminal law, and protection of the health and safety of Canadians.

A proposed first step toward implementing self-government was the First Nations Governance Act (2002), which would give greater independence to bands to manage their own affairs. However, among the specific provisions to provide for “effective governance” were the setting of minimum standards for leadership selection and the administration of band governments, including publicly available audited financial statements. The Assembly of First Nations strongly objected to the Act, arguing that it violated the inherent right of self-government, imposed more bureaucratic controls on their governments, and added to the cost of governing First Nations (Hurley, 2003). As well, several chiefs pointed out that they had not been consulted about the proposed Act. In 2004, the government decided not to pursue passage of the Act. (For more information about the Assembly of First Nations, go to Assembly of First Nations: www.afn.ca.)

Nevertheless, band councils have become largely responsible for administering most programs and services and generally have some flexibility in shaping programs to suit the particular circumstances of their community. However, delivery of services does not create full self-government. Band councils were given only delegated power that is limited to specified local matters, and they can have their bylaws overturned by the minister of Indian Affairs (Bakvis, Baier, & Brown, 2009). Further, with a very high proportion of band revenues coming from the Canadian government, often with conditions attached, band councils still depend heavily on government support (Prince & Abele, 2005). Band councils are accountable to the Canadian government for the funds allocated for their programs, and the Canadian government can unilaterally change or cancel most programs (Papillon, 2008).

In its 2011 Throne Speech, the Harper Conservative government announced that it was committed to making First Nations governments democratic, transparent, and accountable. The First Nations Financial Transparency Act (2014) requires that the salaries and expenses of chiefs and councillors as well as the audited consolidated financial statements of each band council have to be disclosed to the general public through a website.⁷ The Assembly of First Nations was critical of the Act, arguing that their accountability should be to their own people rather than to the government. As well, they pointed out that the large number of reports (averaging 160 each year) that are required to be submitted to the Canadian government placed a huge burden on each band council. Further, they argued that the government failed to consult with First Nations leaders, that the bill represented a continuation of “colonialism

⁷ First Nations were already required to provide this information to the Aboriginal Affairs Department.

and paternalism,” and that it did not deal with the real issues facing First Nations (Simeone & Troniak, 2011).

The Budget Implementation Act and changes to the Canadian Environmental Act passed by Parliament in December 2012 reduced the environmental protection of nearly all of Canada’s lakes and rivers, reduced the number of projects requiring environmental protection, and allowed the surrender of band lands without the approval of the band council. These changes were made without consultation with First Nations and helped to spark the grassroots Idle No More movement. (See Chapter 6.) Founded by four Indigenous women in 2012, this vocal, but peaceful, movement gained considerable support for their goals of promoting Indigenous rights, upholding the spirit and intent of treaties, protecting the environment, and providing equal funding for services such as education and housing. In June 2018, the 2012 provisions that reduced protection of lakes and rivers and that allowed the surrender of band lands were eliminated.

In 2015, Carolyn Bennett, Minister of Indigenous and Northern Affairs, announced that funding withheld from First Nations under the First Nations Financial Transparency Act would be returned and court actions against First Nations that did not comply with the Act would be suspended. Instead, she indicated that the government would “work toward a renewed nation-to-nation relationship with Indigenous peoples, based on recognition of rights, respect, co-operation, and partnership” (Bennett, 2015). In 2017, the Canadian government began working with First Nations to develop new approaches to improve financial transparency and accountability. At the time of writing, it was not known what the new approaches would involve.

Self-Government Issues and Challenges

First Nations governments face many challenges. Most First Nations are small, the majority having only a few hundred people. Establishing a substantial government responsible for developing and administering various programs and services equivalent, in some cases, to those provided by provincial governments is a daunting task. A sizable expert staff is also needed to coordinate the laws, regulations, and programs of First Nations governments with those of the federal and provincial governments. Although there has been a substantial increase in the number of Indigenous people with university degrees, only about 44 percent of 18- to 24-year-olds on First Nations reserves have completed high school, compared to 88 percent of other Canadians (Indigenous Service Canada, Quality Education, 2018).

The 1996 Royal Commission on Aboriginal Peoples pointed out that the division of Indians into numerous small bands was primarily the result of past federal government policy designed to weaken and assimilate Indians. It recommended that Indian bands be consolidated into 60 to 80 nations based on similarities in language and culture. However, merging existing First Nations bands might not be acceptable because these bands often have different identities, histories, and cultures. And even with consolidation, most First Nations would still have small populations.

Self-government agreements generally require that Indigenous governments operate democratically, with a constitution that Indigenous laws and governing procedures must follow (as well as being subject to the Charter of Rights and Freedoms and other provisions of the Canadian Constitution). However, putting a meaningful democracy into practice can be challenging. First Nations communities can face governing problems resulting from factionalism, nepotism, and corruption. With high levels of poverty and unemployment, and an inadequate supply of housing, it is not surprising that politics in some First Nations communities is very contentious. Some chiefs and band councils have been accused of rewarding their family, clan, and supporters with scarce resources such as jobs and housing, and a few chiefs have obtained very high incomes.

Good governing requires that Indigenous peoples be able and willing to hold their government accountable for its actions. This can be difficult in small communities, particularly where a high proportion of people depend on the chief and band council for employment, housing, and other benefits (Bedford, 2010). The Canadian government's former Indian Affairs Department was often been criticized for its paternalism and ineffectiveness.

In 2017, Indigenous and Northern Affairs Canada was split into two new federal government departments: Crown-Indigenous Relations and Northern Affairs Canada;⁸ and Indigenous Services Canada. The development of independent Indigenous media with the capability to investigate and publicize Indigenous peoples' issues and problems may help to make First Nations governments more accountable to the people they serve.

Most First Nations have a limited economic base. Inevitably, they depend heavily on federal government funding, which limits their autonomy. A few exceptions exist: bands that are wealthy because they occupy valuable land, have precious resources, or operate successful businesses. Generally, however, the lack of opportunities in remote and isolated areas has meant that an increasing proportion of the Indigenous population has migrated to cities. In 2011, 56 percent of the 1.4 million persons with an Indigenous identity lived in urban areas (Indigenous and Northern Affairs Canada, 2011).

Some have argued that the communal ownership of land, with the legal title held by the Canadian government, is a major factor in hindering the economic development of Indigenous communities (Flanagan, Alcantara, & Le Dressay, 2010). Without private ownership of property, it is difficult to borrow money to start businesses or for individuals to obtain mortgages to build their own home. Most First Nations chiefs are opposed to the idea of private landowning on reserves, arguing that it would threaten First Nations control of their traditional land for future generations. Instead, the Assembly of First Nations has suggested looking at ways to combine communal ownership with private property, such as allowing non-band members to lease reserve property (Curry, 2011).

Although Indigenous governance faces an array of problems and challenges, there is a positive side to self-government. Establishing effective self-government can help change attitudes of despair and dependence. Some communities that have gained self-government have become active in economic and community development. For example, the Inuit of Nunavik (Quebec) used some of the money provided by their land claims agreement to establish the Makivik Corporation, owned by all members of the Inuit community. The corporation operates various businesses, including the major northern airline, First Air.

Sovereignty and the Right to Self-Determination

Some First Nations have refused to enter into negotiations to establish self-government arrangements, with some asserting that they are sovereign nations. In their view, the early treaties that were signed with the British Crown involved an agreement between independent nations to share territory. First Nations retained their sovereignty while delegating some specific powers to the Crown. The Six Nations Confederacy, in particular, has a long history of asserting its independence and has never accepted Canadian sovereignty. (See Box 11-4: Sovereign Powers: The Two-Row Wampum Belt.) A different view is the claim that Canadian sovereignty over First Nations has been acquired, in keeping with international law, by long-term continued possession and effective control of the whole country (Flanagan, 2000).

⁸ In July 2018, it was renamed Crown-Indigenous Relations, with Northern Affairs moved to Inter-governmental, Northern Affairs, and Internal Trade Department.

Box 11-4 Sovereign Powers: The Two-Row Wampum Belt

The Haudenosaunee (Six Nations Confederacy) in northeastern North America had developed a democratic political system long before European colonization. In their treaties with the European powers, they used the traditional symbolism of two rows of beads (wampum) to describe and document a relationship of peace and friendship with Europeans. The beads represented the relationship in terms of a canoe and a ship travelling side by side down a river. Each vessel avoided interference with the other and neither crew tried to steer the other's vessel.

In the view of the Confederacy, the concept of the two vessels was the basis for the early treaties signed by the Six Nations with other nations, including Holland, France, and Britain. From this perspective, the goal to be pursued by First Nations should

not consist of self-government under the conditions set by the Canadian government within the Canadian Constitution. In keeping with the two-row wampum belt tradition, First Nations should reassert their sovereignty and share territory with the Canadian government, which they view as not representing their people. Instead of viewing Indigenous self-government as enhancing participation in the Canadian governing system, the two-row wampum tradition looks to the parallel but separate development of sovereign Indigenous and non-Indigenous peoples. In this perspective, the decolonization of Canada requires the full recognition of the sovereignty of Indigenous people and separate systems of laws, government, and constitutions for Indigenous nations and a nation-to-nation relationship between Indigenous nations and the Canadian nation.

Important, but less radical, is the United Nations Declaration on the Rights of Indigenous Peoples (2007). This declaration focuses on the right of Indigenous peoples to self-determination—that is, “freely determining their political status and freely pursuing their economic, social, and cultural development.” This includes the “right to autonomy or self-government in matters relating to their internal and local affairs as well as ways and means of financing their autonomous society.” In addition, it includes “the right to maintain and strengthen their distinct political, legal, economic, social, and cultural institutions while retaining their right to participation, if they so choose, in the political, economic, social, and cultural life of the state.” Likewise, it includes a commitment to obtain from Indigenous peoples their “free, prior and informed consent, before adopting and implementing legislation or administrative measures that may affect them.” However, the declaration does not justify “any action that would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent states” (Article 46).

Although the declaration was passed by the General Assembly of the United Nations in 2007, the Canadian government voted against the Declaration.⁹ However, in 2016, Canada fully agreed to the UN Declaration on the Rights of Indigenous Peoples.

Summary and Conclusion

Indigenous peoples played a major role in Canada's early development. However, as settlement by those of European ancestry increased, First Nations were pushed to the margins of society, and treaty promises were often ignored. In recent decades, Indigenous peoples have actively pursued their rights and sought to change their relationship with Canadian governments through legal and political action. Nevertheless, many Indigenous people and communities continue to suffer from poor housing, inadequate services, poverty, serious social and health problems, violence, alcoholism, and drug abuse.

Indigenous and treaty rights were recognized and affirmed by the Constitution Act, 1982. Although attempts to add the inherent right of self-government to the Constitution have not succeeded, the Canadian government has declared its commitment to this principle. Nevertheless, Indigenous nations have had to undertake extremely lengthy and costly legal battles in the courts to secure their rights and have faced various legislative obstacles to full self-government.

In those areas of the country where First Nations did not sign treaties, a few recent comprehensive land

⁹ The three other countries that voted against the Declaration—the United States, Australia, and New Zealand—have also signed the UN Declaration.

claims agreements have included self-government provisions and have removed First Nations from the provisions of the Indian Act. For most First Nations, powers have been delegated from the Canadian government to band councils. However, these communities are still subject to the Indian Act, and generally lack the financial resources to be truly self-governing. Furthermore, the small and impoverished populations of most First Nations raise questions about the capacity of more than 600 First Nations to exercise a wide range of governing responsibilities. Developing good government is a difficult challenge.

The circumstances of the Métis and non-status Indians often receive much less attention than those of Status Indians. Nevertheless, these diverse groups represent a substantial proportion of the Indigenous population and can claim constitutional rights, even though who qualifies as a Métis or a non-status Indian is often unclear, and their rights are largely undefined. Likewise, inadequate attention has been paid to the

majority of Indigenous people who now live in urban areas.

Overall, the treatment of Indigenous peoples is a serious blot on Canada's human rights record. However, beyond apologies for past injustices and rectifying the "Third World" conditions of many Indigenous communities, a fundamental rethinking of the nature of Canada may be needed. As the former grand chief of the Assembly of First Nations stated, "We want to reset the relationship between First Nations and Canada on its original foundation of mutual recognition, mutual respect and partnership" (Atleo, 2011). Increasingly there has been discussion among Canadians about the need for reconciliation between Indigenous and non-Indigenous peoples (as promoted, for example, by Gord Downey), including recognition of the injustices that Indigenous peoples have faced. While the government of Justin Trudeau has devoted considerable attention to Indigenous issues, it remains to be seen how effective this will be in achieving meaningful change.

Discussion Questions

1. Should Indigenous people have special rights because of their occupancy of the land before European control? Should these rights be limited to activities engaged in prior to European contact?
2. Is the Nisga'a agreement a suitable model for other First Nations?
3. Should Indigenous peoples be encouraged to integrate into Canadian society?
4. Should Canada move toward an equal partnership between sovereign Indigenous nations and the Canadian government?
5. How does the migration of many Indigenous people to the cities affect the relationship between Indigenous peoples and Canadian governments?

Further Reading

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Chapter 12

The Federal System



Sean Kilpatrick/The CP Images

Prime Minister Justin Trudeau meets with first ministers and national Indigenous leaders during the First Ministers Meeting in Ottawa on Tuesday, October 3, 2017

Learning Objectives

After reading this chapter, you should be able to

- 12.1** Explain the characteristics/advantages of a federal system and the constitutional division of powers.
- 12.2** Trace the evolution of Canadian federalism since its inception.
- 12.3** Describe the pros and cons of centralization and decentralization.
- 12.4** Understand the nature of inter-governmental relations.
- 12.5** Explain the financial relationship between Ottawa and the provinces.

Federalism can be very challenging: a federal system contains a number of moving parts that sometimes work like a well-oiled machine and at others might seize up. In Canada, the dynamics are driven by ten different governments (thirteen if you include the territories) with differing agendas, often ranged against a federal government trying to juggle too many balls. As the partisan complexions of the various governments change, positions on important policy issues may be reversed.

For example, when Kathleen Wynne's Liberal government in Ontario was defeated, the incoming Progressive Conservatives led by Doug Ford withdrew from a cap-and-trade agreement with Quebec and California that was designed to reduce its carbon footprint. What happens in Ontario does not stay in Ontario: Ford's volte-face meant not only that Ontario's ambitious plans to establish a low-carbon economy were in tatters, but it also had a negative effect on Canada's commitments

on climate change under the 2015 Paris Accord. Ford's decision provided Saskatchewan Premier Scott Moe and Manitoba Premier Brian Pallister with a powerful ally. The New Brunswick government is also offside on this matter.

The carbon tax debate exemplifies the difficulty in obtaining a consensus in Canada when assertive provincial governments (four in this case) can mobilize their electorates against federal action. This strategy has worked well in the past, most notably in Alberta when, after protracted negotiations, the federal government unilaterally set the price of oil via the National Energy Program in 1980.

Citizens in federal countries have divided loyalties, and when there is an inevitable clash between a province and the national government, their allegiance is strained. In many cases, the provincial premier's opposition to Ottawa will be a legitimate assertion of provincial rights, but in others it might not. Often the constitution is invoked to clear the field of other governments "like the trill of a songbird laying claim to desirable territory" (Leslie, 1987, p. 52). It is not clear whether playing the regional card will be successful on climate change, especially since the federal government is providing carbon rebates directly to citizens in the four recalcitrant provinces. Young people will inherit a planet that bears the environmental scars inflicted on it by their forebears. Whether they will be swayed by their provincial government's arguments for inaction on the climate file remains to be seen.

Chapter Introduction

Federal System

A system of governing in which authority is divided and shared between the central government and provincial governments, with each deriving its authority from the constitution.

A **federal system** is a natural choice for political commitment-phobes because the extent of the relationship among parties can be limited to the comfort level they can tolerate. That almost half the population of the planet live in countries that use a federal form of government testifies to the popularity and flexibility of the concept. In a unitary state, constituent units surrender sovereignty to a single national government, but a federal union divides and shares power between the central (federal) government and provincial (or state) governments. These powers are set out in a written constitution. The attraction of a federal system is that it can be tailored to suit the specific needs of a group of contiguous jurisdictions that wish to unify under a single umbrella. In many cases, these territorial units are not homogeneous; there are territorially based cleavages, such as language or religion, that distinguish them from their neighbours. In such situations, the promise of federalism, which encourages sub-units to cede responsibility for matters like defence and the economy, can be attributed to the mutual benefits that flow from political accommodation. The guarantee of autonomy over matters that are socially or culturally salient to sub-groups is a very attractive feature of federal systems.

Ethnic pluralism prompted countries like Ethiopia, Nigeria, and South Africa to adopt a federal form of government. In Canada, French-Canadians were concerned that they would be swamped by the English majority and quickly assimilated in a unitary state. The Maritime provinces shared French-Canadian concerns about being overwhelmed by the more populous provinces. However, the fact that provincial governments would have jurisdiction over local matters meant that a federal union was a prudent alternative.

Unitary System

A system of governing in which authority rests with the central government; regional and local governments are subordinate to the central government.

The Canadian federal system differs from a **unitary system**, in which regional and local governments are subordinate to the central government, which exercises complete authority over them. The United Kingdom is basically a unitary system, although significant legislative powers have devolved to the Scottish Parliament in recent times. A federal system also differs from a *confederal system*, in which sovereign countries have agreed to delegate some of their authority to a joint government that has limited authority while retaining their sovereignty.¹

¹ Confederal systems are rare; the Haudenosaunee (Iroquois) Confederacy is an early example, while the European Union is often depicted as a combination of federal and confederal systems. Although the formation of Canada in 1867 is often described as "Confederation," Canada has never had a confederal system.

In practice, as we shall see, governing in the twenty-first century is much more complex, requiring a high level of interaction between the federal and provincial governments. The Canadian federal system is not only a matter of divided legislative powers but also requires close cooperation in making and implementing the decisions that affect our lives.

The adoption of a federal system in 1867 was necessary to unite the British North American colonies. Uniting in one country with a central government made it easier to develop the economy and provide for military defence. By adopting a federal system, provincial governments could maintain and nurture their distinctive cultures, traditions, and identities. In other words, the federal system embraces the challenging goal of bringing together unity and diversity (Bakvis & Skogstad, 2008).

The Constitution and the Federal System

12.1 Explain the characteristics/advantages of a federal system and the constitutional division of powers.

Sir John A. Macdonald and his peers would have preferred to replicate Britain's political system with which they were familiar. However, a unitary state was not acceptable to French-Canadians for reasons mentioned above. The closest Macdonald could get to unitary state was to establish a strong central government capable of building and uniting the new country. The United States, whose constitution greatly limited the scope of the central government, had just gone through a devastating civil war, and it was a negative role model for Canada. Macdonald's idea of a vigorous central government was reflected, to a considerable extent, in the Constitution Act, 1867.

The Constitution Act, 1867

The Constitution Act, 1867, divides most government activities into two categories of exclusive legislative authority: the Canadian Parliament and provincial legislatures. In particular, this document lists many areas of government activity where the Canadian Parliament has exclusive legislative jurisdiction and somewhat fewer areas of exclusive provincial jurisdiction. (See Table 12-1.) In two policy areas—agriculture and immigration—both Parliament and provincial legislatures received legislative authority,² although Canadian laws take precedence if Canadian and provincial laws in these areas conflict.

The Constitution Act, 1867, gave Parliament legislative authority over many, but not all, of the important areas of governing in the nineteenth century. However, the provinces retained legislative authority in areas such as education, health, and welfare, which in the nineteenth century were often the responsibility of religious and charitable organizations as well as municipal governments. These responsibilities have evolved into major governmental activities in modern times.

A constitutional document cannot anticipate all matters about which governments might want to legislate. The **residual power** (the power over matters not listed in the Constitution Act) was basically given to the federal government, as

Residual Power

Legislative power over matters not listed in the Constitution.

² In the case of criminal law, Parliament makes the laws and provincial governments are responsible for enforcing them (Bakvis & Skogstad, 2008).

Table 12-1 The Division of Legislative Powers in the Constitution Act, 1867

Exclusive Powers of Parliament	Exclusive Powers of Provincial Legislatures	Powers of Both
Regulation of trade and commerce	Direct taxation for provincial purposes	Agriculture
Raising money by any mode of taxation	Management and sale of public lands	Immigration
Postal service	Hospitals and asylums	
Census and statistics	Municipal institutions	
Military and defence	Shop, saloon, and other licences	
Navigation and shipping	Local works and undertakings	
Fisheries	Incorporation of provincial companies	
Currency and coinage	Solemnization of marriage	
Banking and incorporation of banks	Property and civil rights	
Weights and measures	Administration of justice	
Bankruptcy and insolvency	Education	
Patents and copyrights	Lands, mines, minerals, and royalties	
Indians and lands reserved for Indians		
Marriage and divorce		
Criminal law		

NOTE: See the Constitution Act, 1867 (s.91–95, 109, and 132), for the complete list and the precise wording.

Section 91 of Constitution Act provides that Parliament can make laws for the “peace, order and good government of Canada” in relation to all matters not assigned exclusively to the provincial legislatures. Some residual power was also handed to provincial legislatures, which have the authority to legislate on “property and civil rights” and “generally all matters of a merely local or private nature in the province” (s. 92).

Disallowance Power

The right of the Canadian cabinet to disallow provincial legislation within one year of its passage.

Reservation Power

The right of a lieutenant-governor to reserve the passage of provincial legislation until that legislation is approved by the Canadian cabinet.

Declaratory Power

The right of the Canadian Parliament to declare any “local works or undertakings” within a province to be “for the general Advantage of Canada or for the Advantage of Two or more of the Provinces” and then legislate on that matter.

Disallowance, Reservation, and the Declaratory Power

Some political scientists have questioned whether the Constitution Act, 1867, established a purely federal system, in part because the Act authorized the Canadian government to override the decisions of provincial governments. Specifically, the **disallowance power** gave the governor general in council (meaning the Canadian cabinet) the right to disallow provincial legislation within one year of its passage. In turn, the **reservation power** gave provincial lieutenant-governors (who are appointed on the recommendation of the prime minister) the authority to reserve the passage of provincial legislation until the Canadian cabinet had approved it. In addition, with the **declaratory power** the Canadian Parliament could declare any “local works or undertakings” within a province to be “for the general Advantage of Canada or for the Advantage of Two or more of the Provinces” and then legislate on that matter.

The Canadian government quite frequently used the disallowance power and the reservation power until World War II. However, these powers have not been used since 1943.³ Likewise, the Canadian Parliament often took advantage of the declaratory power to legislate on such matters as railways, grain elevators, telephones, and atomic energy, but that power has not been used since 1961. Generally, these powers are viewed as obsolete, and various constitutional reform packages have proposed getting rid of them.

³ One hundred and twelve provincial laws were vetoed from 1867 to 1943, and 69 bills were reserved until 1937. In 1961, the lieutenant-governor of Saskatchewan reserved a bill, even though the prime minister did not want it reserved. The bill was quickly approved (Heard, 1991).

Constitutional Amendments

The division of legislative powers has not changed much since 1867. (See Chapter 10 for further discussion.) Constitutional amendments have given the Canadian Parliament the authority to pass laws concerning unemployment insurance (1940). As well, Parliament received the authority to pass legislation regarding old-age pensions (1951) and disability benefits (1964), provided those laws do not conflict with provincial laws. Constitutional amendments in 1982 gave the provinces some extra authority related to the control and taxation of natural resources.

Judicial Interpretations

An important component in a federal state is the role the courts play in adjudicating disputes over the division of powers, and judicial review has certainly been consequential in Canada. Contemporary Canadian federalism would be unrecognizable to John A. Macdonald because it bears little resemblance to the country he visualized. Far from the centralized federal system that would have reduced the provinces to the status of municipalities, provincial governments are powerful actors that can challenge and frustrate the federal government. In large part this is the result of judicial interpretations of the Constitution that shifted the balance of power to the provincial level. Until 1949, the **Judicial Committee of the Privy Council (JCPC)** in Britain was the final court of appeal for Canada, except for criminal cases.

In a number of important rulings, the JCPC declared various laws passed by Parliament invalid because they overstepped the authority granted to the Canadian Parliament. There are differing views about the impact of the JCPC on Canadian federalism, but there is no argument that its rulings strengthened provincial powers. The premise that the provinces were sovereign, not subordinate, entities is evident from various decisions rendered by the Committee from the mid-1880s onward (Hueglin & Fenna, 2015). In the process of rulings on the “peace, order, and good government” (POGG) clause and the “trade and commerce” clause, the JCPC reversed the intentions of the Fathers of Confederation, setting the stage for a decentralized federal system. It is interesting to note that judicial review in the United States, in defiance of its constitution (the states have residual powers), overwhelmingly strengthened the powers of Congress (Hueglin & Fenna, 2015).

The Law Lords accomplished this by interpreting POGG restrictively and Section 92 (13) (Property and Civil Rights in the Province) very expansively, so it became a de facto residual powers clause. They ruled that POGG, which was intended to confer residual powers on the federal government, could be used, only temporarily, during a national emergency (e.g., a war). The most powerful advocate of provincial rights on the JCPC was Viscount Haldane, who served between 1911 and 1928.⁴ He was proud that he and his colleagues had transformed Canadian federalism by elevating the status of the provinces to be coordinate with that of the central government (quoted in MacIvor, 2006).

In an early case *Russell v. The Queen* (1882), the Judicial Committee upheld the constitutionality of the Temperance Act passed by Parliament in 1878. This legislation allowed local governments to ban the sale of alcohol if voters supported the ban in a plebiscite. The ruling was made on the basis that provincial jurisdiction over property and civil rights did not prevent Parliament from passing laws “designed for the promotion of public order, safety, or morals, and which subject those who contravene them to criminal procedure and punishment” (quoted in Russell et al., 2008, p. 41).

Judicial Committee of the Privy Council

A tribunal of “Law Lords” (i.e., senior English judges in the House of Lords) that heard appeals from English colonies, including Canada, on constitutional and other matters. (For more information see <https://www.jcpc.uk/about/history.html>.)

⁴ Haldane has been described as the “wicked step-father of the Canadian Constitution” (Vaughn, 2010).

In later decisions, the Judicial Committee proved less inclined to support a general power for the Canadian Parliament. In the *Local Prohibition* case (1896), the JCPC was asked whether a province could set up its own system of local prohibition. In the JCPC's opinion, POGG did not exclude provinces from enacting their own prohibition laws. To safeguard provincial autonomy, POGG could not be used to overrule the powers of the provinces enumerated in the Constitution: "Parliament has not the authority to encroach upon any class of subjects which is exclusively assigned to provincial legislatures" (quoted in Russell et al., 2008, p. 49).

The Judicial Committee, particularly after Viscount Haldane became a member in 1911, generally viewed the peace, order, and good government clause as applying only to temporary emergencies (Hogg, 2006). For example, in the *Fort Frances* case (1923), the JCPC upheld the system of price controls that was created during World War I. The "sufficiently great emergency" of the war justified federal action, even though the regulations fell within the normal competence of the provinces (quoted in Hogg, 2006, p. 475). In the *Board of Commerce* case (1922), the JCPC struck down laws passed by the Canadian Parliament after World War I to deal with the serious problems of profiteering, monopolies, and hoarding. They argued that the emergency power could be used only in "highly exceptional circumstances" to override the exclusive provincial power over property and civil rights. Similarly, the JCPC struck down several Canadian laws (including unemployment insurance) to tackle the problems of the Great Depression of the 1930s, arguing that only an emergency would justify the use of POGG. In the eyes of the JCPC, the Great Depression did not rate as an emergency (Hogg, 2006).

There are instances, apart from dire emergencies, in which the Judicial Committee ruled in Ottawa's favour on the basis of its residual powers. One of these relates to the treaty-making powers (s.132), even though treaties dealt with matters within provincial jurisdiction. In 1935, the Canadian Parliament ratified the draft conventions of the International Labour Organization and passed three acts dealing with hours of work, minimum wages, and weekly rest to fulfill the obligations of the conventions. The Canadian cabinet subsequently requested a judicial reference concerning the validity of these acts. In the *Labour Conventions* case (1937), the JCPC upheld the power of the Canadian government to sign the conventions (an international treaty) because Canadian treaty-making power was not specifically included in the list of enumerated powers. However, because the labour conventions dealt with the class of subjects under provincial jurisdiction, the legislative power to implement the conventions rested with provincial legislatures rather than Parliament.⁵ In the view of the JCPC, "While the ship of state now sails on larger ventures and into foreign waters she still retains the water-tight compartments which are an essential part of her original structure" (quoted in Russell et al., 2008, p. 74). In other words, the JCPC thought the federal system should be based on autonomous federal and provincial governments, each with its own specific areas of responsibility—a view often described as **classical federalism**.

When a "national dimension" or a "national concern" was involved, the Judicial Committee, at times, used the peace, order, and good government clause to uphold legislation passed by Parliament. For example, in the *Canada Temperance Federation* case (1946), the JCPC held that if the subject matter of the legislation "goes beyond local or provincial concern or interests and must from its inherent nature be the concern of the Dominion as a whole ... then it will fall within the competence of the Dominion Parliament as a matter affecting the peace, order and good government of Canada, though it may in another aspect touch on matters specially reserved to the provincial legislatures" (quoted in Hogg, 2006, p. 462).

Classical Federalism

The view that a federal system should be based on autonomous federal and provincial governments, each with its own specific areas of responsibility.

⁵ In the *Radio Reference* case (1932), the JCPC ruled that Canada could regulate radio transmission in accordance with international agreements Canada had signed, because radio was a new matter not mentioned in the Constitution Act, 1867.

The Judicial Committee's narrow interpretation of the regulation of trade and commerce clause, Section 91(2), reduced it to legislative authority over only international and inter-provincial trade. Trade and commerce within a province has been deemed a matter for provincial legislatures because of their "property and civil rights" power. For example, in the *Insurance Reference* case (1916), the JCPC ruled that the federal Insurance Act establishing a licensing system for insurance companies operating across Canada was not justified by the trade and commerce power. Likewise, a federal prohibition on the manufacture, sale, or possession of margarine (designed to assist dairy farmers) was struck down on the grounds that the trade and commerce power could not be used to prohibit transactions within a province (Hogg, 2006).

The Supreme Court of Canada

The Supreme Court of Canada has taken a somewhat different approach from the JCPC, showing itself less inclined to limit the Canadian government's powers. For example, the Anti-Inflation Act passed by Parliament in 1975 instituted controls on wages, prices, and profits for up to three years (with a possible extension). The Supreme Court, in a 7–2 decision, upheld the Act using the emergency powers interpretation of POGG, even though the Anti-Inflation Act involved legislating on provincial matters (e.g., by limiting wages of provincial government employees). Indeed, the majority ruled that the government did not need to prove there was an emergency; the burden of proof that an emergency did not exist rested with the opponents of the legislation (Hogg, 2006).

The Supreme Court of Canada has been divided on the use of the "national concern" interpretation of the peace, order, and good government clause to uphold national environmental laws. In 1980, Crown Zellerbach, a forest products company, dredged logging debris containing bark and wood from its shoreline water lot and dumped it in deeper water off Vancouver Island. The company was charged with an offence under the federal Ocean Dumping Control Act, which prohibits dumping at sea, including dumping substances without a permit in provincial territorial waters (other than freshwater). In a 4–3 judgment, the Supreme Court upheld the provision arguing that "marine pollution, because of its predominantly extra-provincial as well as international character and implications, is clearly a matter of concern to Canada as a whole." In particular, the majority noted that in deciding what distinguishes a matter of national concern, "it is relevant to consider what would be the effect on extra-provincial interests of a provincial failure to deal effectively with control or regulation of the intra-provincial aspects of the matter" (quoted in Russell et al., 2008, pp. 132–133).

In 1990, Hydro-Québec was charged with dumping polychlorinated biphenyls (PCBs)—a highly toxic substance that carries serious health risks to both animals and humans—into the St. Maurice River in violation of the Canadian Environmental Protection Act, 1985. The Supreme Court of Canada argued that the environment is a broad subject that the Constitution Act, 1867, did not assign exclusively to either level of government. Both national and provincial governments have legislative authority in this area and should cooperate to safeguard the environment. The Supreme Court unanimously agreed that the Environmental Protection Act was too broad to meet the peace, order, and good government criteria of "national concern" used in the *Crown Zellerbach* case. However, in a 5–4 decision, the Supreme Court ruled that "Parliament may validly enact prohibitions under its criminal law power against specific acts for the purpose of preventing pollution" (quoted in Russell et al., 2008, p. 152).

Overall, even though its justices are appointed on the recommendation of the prime minister, the Supreme Court of Canada has not drastically altered the interpretations of the division of powers developed in the JCPC decisions. In particular,

the Supreme Court of Canada has indicated that it does not view the “peace, order and good government” clause as a sweeping power that can be used to undermine provincial jurisdiction (Kennett, 2000; Lucas & Shawitt, 2000). The Supreme Court of Canada has also hesitated to interpret the federal trade and commerce power as giving the Canadian government a general power to regulate trade by, for example, introducing legislation for national business practices or consumer protection. Likewise, the Supreme Court unanimously provided an opinion that the federal government’s proposal to establish a single national securities regulator was unconstitutional. A complete takeover of the regulation of the securities industry (which deals with the sale of stocks, bonds, and other instruments used by companies to raise money) from the provinces could not be justified by the federal trade and commerce power. The protection of investors is within the provincial legislative power over property and civil rights (*Reference re. Securities Act*, 2011).⁶

An Evolving Federal System

12.2 Trace the evolution of Canadian federalism since its inception.

Canada’s federal system broke new ground: it was the world’s first parliamentary-cum-federal system in the world. Federalism was pioneered by the United States in the eighteenth century and adopted by Switzerland in 1848, so it was a relatively new form of governance.⁷ Thus, when Canada’s founders combined federalism and a parliamentary system in 1867, their creation was unique and one could argue that the decision was brave and bold.

However, there is no evidence that the Fathers of Confederation were excited about, or even aware of the political adventure they were embarking upon; nor did they look to Montesquieu or Locke for inspiration. They were practical men who hoped to replicate the institutions and practices of the Mother country, Britain. Their preference was a unitary state, but that being impossible, they became reluctant federalists. Unable to transform Canada into Little Britain, they chose the closest alternative: a federal system with power tilted unequivocally toward the central government.

Phases of Federalism

Given the novelty of the federal arrangement, it is no surprise that there were growing pains and unanticipated challenges that had to be faced. Immediately following Confederation the federal government was at its most powerful and the provinces at their weakest, but it did not take long for the situation to change. Canadian federalism, which was intended to ensure that the federal government would be the most powerful actor, did not develop the way Macdonald and his peers had expected it would.

Quasi-Federalism

A system in which the federal government dominates provincial governments, particularly through its use of the powers of reservation and disallowance to invalidate provincial legislation.

Quasi-Federalism

The preoccupation of the Canadian government in the first decades of the federal union was the task of tying the country together from east to west. Opening up the West, encouraging settlers from Europe, and constructing railway links to build a national economy were all urgent tasks. Scholars often refer to this period as one of **quasi-federalism** because of the dominance of the federal government, particularly

⁶ The Supreme Court did indicate that a national securities regulator might deal with some matters, such as national standards, systemic risk, and data collection. It also suggested that a cooperative approach to securities regulation between Ottawa and the provinces might meet the constitutional test.

⁷ Federal principles and practices can be discerned through most of human history. From the 12 tribes of Israel mentioned in the Old Testament to the confederacy of Indigenous peoples in North America, autonomous groups have united in a covenant or quasi-federal pact that shared power and provided security (Elazar, quoted in Hueglin & Fenna, 2015).

through its use of the powers of reservation and disallowance to invalidate provincial legislation (Wheare, 1967). For supporters of a strong, central government, this was a golden age, but federal dominance was short-lived.

Classical Federalism

In addition to the JCPC's decisions that whittled away at federal powers and moved Canada off the path to centralized federalism, some assertive provincial governments began to challenge Ottawa's dominance. Between 1872 and 1896, Ontario Liberal premier Oliver Mowat, fierce defender of the interests of Ontario and the earliest proponent of "provincial rights," locked horns with the centralist views of Conservative prime minister Macdonald. In the 1880s, Mowat found an ally and comrade-in-arms in Quebec premier Honoré Mercier. Ever since, most Quebec governments have energetically defended provincial autonomy based on the view that the Quebec government represents one of Canada's two "founding peoples" or "nations."

From the mid-1890s until 1939, Canada's federal system was quite decentralized and featured little interaction between national and provincial governments. However, during and shortly after World War I, the Canadian government assumed greater powers in the war effort. Arguably during the two World Wars, federalism was on the back burner as the Judicial Committee recognized the need for Ottawa to play a dominant role until peace was restored.

The classical federalism that characterized Canada until the outbreak of the war in 1939 proved inadequate to address unprecedented problems such as the Great Depression in the 1930s. Provincial governments were unable to discharge their constitutional responsibilities, especially in the Prairie provinces. For example, private and public indebtedness in Alberta totalled \$395 million, representing an average cost of \$40 million in interest payments. The situation was so dire that the Alberta government defaulted on loan payments (Barr, 1974). A prolonged drought coincided with the Depression, sending Alberta and Saskatchewan so close to bankruptcy that it led Prime Minister Mackenzie King to act. He established the Royal Commission on Dominion-Provincial Relations (the Rowell-Sirois Commission) to make recommendations on how to redress the balance between their jurisdictional responsibilities and their fiscal capacity (Ferguson & Wardaugh, Quoted in Marchildon et al., 2009). After World War II, the federal system did not revert to classical federalism.

Cooperative Federalism

Following World War II, pride in Canada's contribution to the war effort and the influence of Keynesian economics saw growing support for a more active federal government. The Depression experience led British economist John Maynard Keynes to propose that governments play a more active role during a downturn, stabilizing and stimulating the economy by increasing government expenditures. For example, following the 2008 global financial crisis, the Harper government delivered "a \$61-billion shot in the arm to the economy" via the Canada Economic Action Plan (Finance Canada, 2009). Arguably, this stimulus package is an example of Keynesian economics.

The period from about 1945 to the early 1960s is typically referred to as featuring **cooperative federalism**. It was, to a considerable extent, an era of centralized federalism combined with a substantial level of federal-provincial interaction. The Canadian government increasingly became involved in developing and funding various social programs (the "welfare state") as well as the construction of the Trans-Canada Highway. Provincial governments were responsible for administering these programs according to national guidelines and conditions. These **shared-cost programs** generally involved the Canadian government paying one-half of the cost. Because the federal and provincial governments generally cooperated in developing these programs and shared in their funding, it was the federal government that took the lead, although

Cooperative Federalism

The feature of Canadian federalism following World War II in which federal and provincial governments generally cooperated under federal leadership in developing the welfare state.

Shared-Cost Programs

Provincial programs in which the Canadian government generally paid half the costs.

Spending Power

The ability of the Canadian government to spend money as it sees fit, even on matters under provincial jurisdiction.

some programs were initiated by a provincial government (e.g., Saskatchewan's hospital insurance) and later turned into a national shared-cost program. In particular, the Canadian government used its **spending power** to get involved in matters that are under provincial jurisdiction

In the United States, the federal government transfers money to the states in the form of conditional grants, and since the 1930s Congress has imposed its policy objectives on them (Hueglin & Fenna, 2015). The Canadian government's use of its spending power was and remains contentious. The Quebec government, which favoured classical federalism and opposed federal social programs, was not willing to work with the federal government on the development of welfare-state programs. The argument is that federal spending in areas of provincial jurisdiction distorts provincial priorities and that it should be curtailed. As discussed in the next section, this is despite the fact that, with the introduction of block grants, conditionality has been weakened.

Nevertheless, the welfare-state programs that were a key feature of this era were put in place with the general cooperation of the other provinces, especially at the level of public servants in particular policy areas (Simeon, 2006). Currently, federal spending promised for infrastructure over the next decade is an example of the use of Ottawa's spending power that is welcomed by municipal governments and will no doubt be appreciated by Canadians across the country.

Competitive Federalism

Despite ongoing inter-governmental cooperation, provincial governments have become more reluctant to accept the leadership of the Canadian government, and Ottawa has replaced most shared-cost programs with block funding (discussed later in this chapter). Conflict was common in federal-provincial relations from the early 1960s, prompted by nationalism and separatism in Quebec, the growing assertiveness of provincial governments, disagreements between the resource-rich provinces and the Canadian government over energy policy, and highly charged controversies over constitutional change. Prime Minister Pierre Trudeau frequently clashed with various premiers as he sought to maintain a strong central government and avoid any special status for Quebec. Serious conflicts also developed between the Canadian and Alberta governments over the National Energy Program. This resulted in what some term **competitive federalism**, in which "provincial and national governments inevitably butt heads as each seeks to maximize its autonomy, jurisdiction, and standing with the voters" (Bakvis & Skogstad, 2008, pp. 7–8).

Collaborative Federalism

It would not be an exaggeration to say that federal-provincial relations were sometimes at a boiling point during the period of competitive federalism from the early 1990s until 2006. After the prolonged constitutional battle and two referendums on Quebec separation, peace broke out and the era of **collaborative federalism** replaced the rocky federal-provincial relationship. Federal and provincial governments began to negotiate agreements rather than attempt to bring about constitutional change. Collaboration means that both levels of government work together as equals in establishing some major national goals (Cameron & Simeon, 2002).

Collaborative agreements include the Agreement on Internal Trade (1994), the Canada-wide Accord on Environmental Harmonization (1998), and the 2003 and 2004 Health Accords. However, these agreements are not legally enforceable and have typically been limited in their scope and effectiveness. The Social Union Framework Agreement (SUFA), signed in 1999, is an example of collaboration in action: the Canadian government worked with provincial and territorial governments to identify Canada-wide priorities and objectives for new federal-provincial social programs.

Competitive Federalism

A feature of Canadian federalism, beginning in the early 1960s, in which provincial and national governments competed to maximize their autonomy, power, and popularity with voters.

Collaborative Federalism

A trend in contemporary federalism in which both levels of government try to work together as equals in deciding some major policies.

It is expected that new federal–provincial social programs will require the support of a majority of provincial governments. Provincial governments can design their own programs and receive funding provided they met “agreed Canada-wide objectives.” The Quebec government did not sign most of the collaborative agreements, instead reached agreements with the federal government about somewhat equivalent provisions for Quebec. Despite considerable controversy between its supporters and critics, SUFA has had only a minimal effect on the federal system (Fortin, 2009) and on the making of social policy (Inwood, Johns, & O’Reilly, 2011). Overall, it is not clear that federalism from the early 1990s until 2006 was truly collaborative (Simmons & Graefe, 2013).

Open Federalism

Before former Prime Minister Stephen Harper assumed office in 2006, he made a commitment to “**open federalism**,” involving a new relationship with provincial governments. As he was a strong advocate of decentralized federalism and provincial autonomy, this did not come as a surprise. This new style of federalism, which looked remarkably similar to classical federalism, entailed fixing the “fiscal imbalance” between Ottawa and the provinces, respecting the division of powers, and placing formal limits on the use of the federal spending power. With regard to new shared-cost programs, provincial and territorial governments could opt out and be compensated if they offered compatible programs. Open federalism included giving the Quebec government a role in international affairs related to its constitutional responsibilities through a seat at the United Nations Educational, Scientific and Cultural Organization (UNESCO).

Despite its label, “open federalism” did not mean that federal–provincial relations became more open to public scrutiny or more open to participation by non-governmental groups (Bakvis, Baier, & Brown, 2009). Instead, it could be viewed as reflecting Harper’s basic ideology of free market conservatism and a reduced role for government as well as his preference for classical federalism.

By reducing direct federal involvement in establishing national standards in such areas as social programs, health care, and environmental protection, provincial governments would be freer to compete with each other to attract business. It should be pointed out that the tendency toward greater decentralization began during the tenure of Liberal Prime Ministers Jean Chrétien and Paul Martin (DiGiacomo, 2010). In a retreat on environmental policy, for example, much of the responsibility for environmental regulations was delegated to the provinces, with few national standards established or enforced (Weibust, 2010). The trend accelerated under Harper’s Conservative government, with further substantial cuts to Environment Canada, refusal to take meaningful national action on climate change, and in 2012 the withdrawal from most environmental impact assessments and the protection of most fish habitats. Although the Liberal government under Justin Trudeau proclaimed its commitment to greater environmental protection and substantial reductions in greenhouse gas emissions, the prime minister committed to working with the provinces on these important issues.

Open Federalism

The Harper government’s approach to federalism involving such measures as transferring more money to provincial governments, respecting the constitutional division of powers and provincial autonomy, and limiting the use of the federal spending power.

Canada: A Decentralized Federal System

12.3 Describe the pros and cons of centralization and decentralization.

By its very nature, a federal system confers a measure of autonomy on sub-national units. The extent to which the national government can intrude into areas of provincial/state jurisdiction is a measure of how centralized that federal system is. Despite quasi-federal provisions in the Constitution Act, Canada has become one of the most decentralized federal systems in the world (Watts, 2008). (See Box 12-1: Turning the Constitution on Its Head.)

Box 12-1 Turning the Constitution on Its Head

Canadian provinces are powerful, assertive actors on the political landscape, a remarkable feat considering the quasi-federal constitution. In other words, Canadian federalism has taken an almost 180-degree turn from its expected path. In the other two Anglo-American federal countries, the United States and Australia, a similar reversal has occurred: both countries were supposed to be true federal states, with modest powers given to the national government and residual powers (i.e., everything else) conferred on the states. In both countries the constitution was drafted to give the states the upper hand in their relationship with the national government. This is why the American constitution is silent on state powers. The Australian constitution was “patterned almost slavishly on the American model” with a single limiting list of powers for the Commonwealth and the rest for the states. However, the way federalism in these two countries has evolved is diametrically opposed to the intentions of their founders. Australia was emphatically opposed to Canada’s quasi-federalism, even though by 1901 it was evident that the centralist vision for the country was unravelling (Hueglin & Fenna, 2015).

It is curious that the political evolution of the three countries departed so dramatically from the legal text of their constitutions. Canada is the outlier, resisting the centralized future that was anticipated by its founders. Judicial review played a major role, setting Canada on the road to decentralization. American courts, on the other hand, centralized federalism,

essentially relegating “the residual powers clause of the Tenth Amendment to the dustbin of constitutional history” (Hueglin & Fenna, 2015, p. 317). Similarly, Australia’s Commonwealth government gained ascendancy through judicial decisions and control over finance. The Australian states have the power to raise revenue through income tax but have never done so. In a prophetic statement, the second Prime Minister of Australia, Arthur Deakin, observed that, although the states had fondly supposed that their rights were protected in the constitution, they were “financially bound to the chariot wheels of the Commonwealth. Their need will be its opportunity” (quoted in Bryt & Crean, 1972, p. 79).

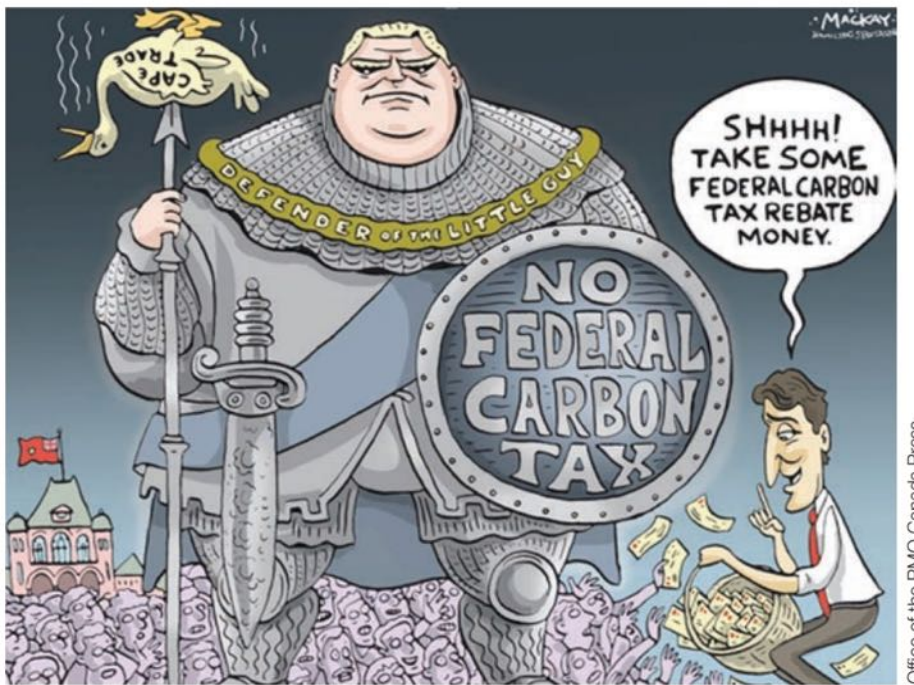
What all three countries had in common was the presence of Indigenous populations whose concerns and interests were completely overlooked by their European founders. What distinguished Canada from the United States and Australia was that these countries did not have a geographically concentrated French population that feared for its cultural survival. French-Canadians needed the protection afforded by federalism to preserve their language and culture, so any attempt to trample on their autonomy would have been met with stiff resistance regardless of judicial review. Quebec guards its powers jealously, and the other provinces have followed suit. As Jan Erk observed, culturally homogeneous federal states tend toward centralization, while culturally diverse federal states do not (Quoted in Bakvis & Skogstad, 2012).

Provinces on the Ascendant

The federal government continues to be involved in matters that are within provincial jurisdiction, such as social programs like health care because the provinces cannot fund them entirely. This concerns some premiers, but advocates of better health care, child care, and poverty reduction often look to action by the Canadian government to ensure that all Canadians, regardless of where they reside, can enjoy equal treatment and that this contributes to social solidarity (DiGiacomo & Flumian, 2010). The health care system, underpinned by the Canada Health Act (CHA), epitomizes Canadian values and is a source of great pride, and it probably would not exist without conditions set out in the CHA.⁸

Provincial leaders mobilize their electorates to support them to take on Ottawa and advance their province’s interests. Nevertheless, many Canadians appreciate federal actions to preserve cherished social programs, especially access to quality health care. In a federal system, jurisdictional boundaries should be respected, yet, as the Fathers of Confederation were not prescient, they could not envision the need for concerted action to address environmental issues that transcend provincial boundaries. It was also impossible for them to foresee the benefits of a national securities regulator to oversee capital markets.

⁸To receive funding from Ottawa, all provinces must abide by the five principles enshrined in the Canada Health Act. These principles are public administration, comprehensiveness, accessibility, universality, and portability.



When Ontario withdrew from its cap-and-trade agreement with Quebec and California to reduce its carbon footprint, the federal government announced it would impose a carbon tax on the province and pay rebates directly to Ontarians.

Asymmetrical Federalism

One way to curb centralization is by **asymmetrical federalism**, which is a model adopted in some countries. This means some sub-national governments have a different relationship with the national government, including different powers, from other sub-national governments. Canada's federal system has been largely symmetrical but with some asymmetrical elements. These already exist in that the Constitution Act, 1867, allowed Quebec to retain its system of civil law and Quebec was the only province that was required to use both English and French in its legislature and courts. The Charter of Rights and Freedoms provided more-limited minority-language education rights in Quebec than in other provinces. It also established New Brunswick as the only province that is officially bilingual and recognized the equality of English and French linguistic groups in that province. (See Chapters 3 and 10 for more on language rights.)

The "notwithstanding clause" within the Charter can be used to limit certain rights and freedoms in a particular province but it has been used infrequently since 1982. (See Chapter 10.) However, Ontario Premier Doug Ford threatened to invoke it frequently if the courts strike down bills passed in the Ontario legislature. Immediately after his election in 2018, Quebec Premier François Legault announced that he would use the notwithstanding clause to override court decisions that interfere with Quebec legislation that bans religious symbols. Constitutional lawyers and other legal professionals have expressed concern about the possible routine use of an option that should be utilized only as a last resort (Global News, 2018).

The Constitution Act, 1982, also allows any province to opt out of any constitutional changes that reduce its rights or powers and be guaranteed reasonable financial compensation if the change relates to education and other cultural matters. However, this provision has not been used thus far. Nevertheless, there are several joint federal-provincial policy areas in which asymmetry exists, including the Canada/Quebec Pension Plan, immigration agreements, human resources training, environmental harmonization, and the 2004 Health Accord (Gagnon, 2009).

The idea of asymmetrical federalism has been controversial. Notions that Quebec should have a "special status" and that Quebec should be recognized in the constitution as a "distinct society" aroused considerable opposition. For many in English

Asymmetrical Federalism

A federal system in which some sub-national governments have a different relationship with the national government, including different powers, from other sub-national governments.

Canada, asymmetrical federalism is viewed as undermining the equality of the provinces and national unity. This notion is challenged by Smith, who argues that “the rationale of asymmetry is rooted in the validity of treating unequals unequally” (2004, p. 2). Treating “unalikes” “alike” actually leads to inequality. The choice of opting out of national programs is available to all provinces, but only Quebec has exercised that right, so this represents asymmetry in policy, if not law (Smith, 2004).

Despite public opposition, recognition by the House of Commons that Quebec is a “distinct society” and that “the Québécois constitute a nation within a united Canada” provides a rationale for asymmetrical federalism with regards to Quebec. Asymmetry promotes greater flexibility in the federal system by allowing for different arrangements to suit the circumstances and wishes of the different provinces.

Inter-Governmental Relations

12.4 Understand the nature of inter-governmental relations.

The Constitution Act, 1867, is silent on the interaction between national and sub-national governments. The assumption was that the two orders of government would operate in watertight compartments, obviating the need for any interaction, and also that any disputes about the division of powers would be settled in court. However, the era of cooperative federalism, when the welfare state was being established, required frequent consultation between the two orders of government.

Executive Federalism

Without a road map and confronted with the realities of divided and shared powers, Canadian governments developed informal mechanisms to deal with inter-governmental relations (IGR). Canada pioneered “**executive federalism**” (i.e., meetings of the executives—prime minister and premiers, cabinet ministers, and their entourages) of the federal and provincial levels of government. They are also referred to as **first ministers’ conferences** (FMCs). These gatherings have been the site of decision making on issues of great significance such as health care and constitutional change. From 1945 to 1992, 80 first ministers’ conferences were held. Since then, more informal, private, and less frequent **first ministers’ meetings** are held. At the peak of executive federalism are the prime minister and premiers (termed “first ministers”).⁹

Proposals in the Victoria Charter and Charlottetown Accord that regular annual meetings of first ministers be held were not adopted. Instead, first ministers meetings are called when desired by the prime minister, who chairs the meetings and sets the agenda.

In addition to FMCs, numerous meetings take place regularly between ministers responsible for particular policy areas, often with support from a full-time secretariat. There are also numerous meetings (as well as informal contacts) between national and provincial government officials, which lay the groundwork for ministerial meetings. Generally, relationships among officials and ministers of different governments are friendlier and more cooperative than relationships among first ministers. However, inter-governmental agreements are usually finalized by the first ministers.

Although executive federalism can be “breathtakingly efficient,” there are reasons why the decisions being made and the process employed to make them merit greater scrutiny (Simmons, 2012, p. 321). Critics have identified numerous problems with executive federalism, such as the fact that it is conducted behind closed doors and that it is undemocratic in that legislatures are frozen out. An additional concern is that the rules

Executive Federalism

The basic nature of federal–provincial interaction since the 1940s, involving the interaction of the executives of the federal and provincial governments.

First Ministers’ Conferences

Formal meetings of the prime minister and premiers, along with large supporting delegations of ministers, aides, and officials.

First Ministers’ Meetings

Informal private meetings of the prime minister and premiers.

⁹ Territorial premiers have been regular participants since 1992.

and norms are fluid and informal, with a low level of institutionalization (Smith, 2004; Bakvis et al., 2009; Simeon & Nugent, 2012).

Negotiations between the executives of the two levels of government are often secretive and not open to scrutiny by Parliament, provincial legislatures, or the public. Many agreements reached at inter-governmental meetings either do not need legislative approval or are considered a “done deal” and not subject to much scrutiny and debate before legislative passage (Smith, 2004). The prime minister and premiers exercise an enormous amount of discretionary power in the negotiation of inter-governmental agreements, some of which involve billions of dollars of public money. Yet, these agreements are not legally enforceable (Simeon & Nugent, 2012).

When first ministers meet there is maximum media coverage and a degree of posturing for political effect. Often there is confrontation and conflict between federal and provincial governments, which makes for great television but does little for national unity. The cast of characters on the political stage changes frequently, and therefore the dynamics can change dramatically. Since Prime Minister Justin Trudeau was first elected he has lost important allies like Kathleen Wynne and Phillippe Couillard in central Canada. Conflict on the carbon tax is inevitable, as provinces elect governments who oppose one on principle, and such developments inject unpredictability into the federal–provincial relationship.

First Ministers’ Conferences are highly politicized, and to some extent this filters down to departments and branches within governments. Generally, federal and provincial departmental officials dealing with particular issues share professional interests and work cooperatively, but they may be overruled by those more concerned about the power and autonomy of their government.

The practical challenges faced by Canadian governments demand patterns of cooperation and engagement that could not have been anticipated over a century and a half ago. Executive federalism and the dense network of inter-governmental relationships that has developed to cope with overlapping responsibilities come with a cost. Lacking a mechanism to manage the relationship among Canadian governments, it has evolved in an ad hoc fashion, hence the shortcomings identified above.

Because of Canada’s great regional and cultural diversity, the Canadian government is “unable to forge a national consensus unilaterally” (Hueglin, 2008, p. 153). Instead, through bargaining and negotiations, flexible compromises are worked out. It has also been argued that delicate compromises (e.g., differential treatment of Quebec) are more likely to succeed through “elite accommodation” among national and provincial political leaders (Bakvis, Baier, & Brown, 2009). There is no alternative to the informal arrangements that have slowly evolved, because if governments retreated to their watertight compartments, the result would be political paralysis.

Interstate and Intrastate Federalism

Executive federalism reflects a basic characteristic of Canadian federalism often described as **interstate federalism**—that is, a federal system in which provincial interests are represented primarily by provincial governments. In contrast, some countries can be characterized primarily in terms of **intrastate federalism**. In such federal systems, the sub-national units are effectively represented in national political institutions where their interests are taken into account. For example, in the German federal system, the approval of the *Bundesrat* (federal council composed of the head of government and several cabinet ministers from each *Land* [equivalent to a province]) is required (along with approval by the *Bundestag*, chosen in a national election) for a substantial proportion of national legislation.

The Canadian Senate was established to represent provincial interests, but it has not done so, mainly because senators are appointed on a recommendation by the prime minister. Another possible channel for representing provincial interests is through the

Interstate Federalism

A federal system in which provincial interests are represented primarily by provincial governments.

Intrastate Federalism

A federal system in which provincial interests are represented in national political institutions.

federal cabinet, because it typically includes MPs from all provinces. However, the imperatives of a Westminster-style parliamentary system, such as cabinet solidarity and secrecy coupled with dominance by the prime minister, limit the effectiveness of cabinet in this regard. In addition, as a result of tight party discipline, cabinet members are expected to vote along party lines even if this conflicts with the interests of their province. With no champions embedded in national institutions, provincial premiers have stepped into the breach, often challenging federal initiatives and advocating for the particular interests of their province. Not surprisingly, this sometimes leads to a much more combative relationship between the two orders of government. In the dispute over equalization payments discussed in the section “Fiscal Federalism,” it was up to Newfoundland and Labrador Premier Danny Williams to mount a fierce defence of his province’s interests. The Senate played no role in this or any other conflict between a province and the federal government.

Inter-Provincial Cooperation

Provincial governments have tried to present a united front in their dealings with the Canadian government. This strategy can be traced back to 1887, when some premiers met to demand a reduction in the powers of the federal government based on the view that Canada was a compact (agreement) among provinces. They also aired a variety of provincial grievances that they believed should be addressed. However, it was not until 1960 that annual meetings of the premiers were established. Inter-provincial cooperation was institutionalized in 2003 with the creation of the **Council of the Federation** (www.canadapremiers.ca), which consists of the 13 provincial and territorial premiers (who meet twice a year) and a small permanent secretariat. Despite its name and its commitment to developing greater collaboration with the Canadian government, prime ministers are not part of the Council of the Federation, and the federal government “has demonstrated little willingness to engage with the Council” (Wallner, 2014). The Trudeau government responded rapidly and favourably when the premiers called for a first ministers conference at their 2018 COF meeting in New Brunswick.

The premiers hoped that the council would give them a stronger, more united voice and facilitate inter-provincial cooperation, but this is proving to be a challenge. Early in 2018, hostilities broke out between British Columbia (B.C.) Premier John Horgan and Alberta Premier Rachel Notley, both New Democrats. When Horgan threatened to restrict the flow of oil sands bitumen through his province, Notley announced a ban on British Columbia wines. These moves and counter moves illustrate the fragile state of provincial solidarity when interests clash.

Vast structural differences and interests between the provinces militate against reaching a consensus on many issues. For example, at the July 2012 council meeting, British Columbia Premier Christy Clark rejected the national energy strategy accepted by other premiers because it did not address the issue of the Northern Gateway pipeline that would transport Alberta’s bitumen across the province and down British Columbia’s coastline. Expansion of the Kinder-Morgan pipeline through British Columbia has faced fierce opposition, not only from the provincial government but also from Indigenous groups and citizens. Provincial interests trump provincial solidarity when bilateral deals can be struck with the federal government, for example, when Nova Scotia and Newfoundland and Labrador abandoned the inter-provincial approach to fiscal relations and signed the Atlantic Accord (relating to offshore petroleum resources) with Ottawa (Simeon & Nugent, 2012).

In addition to the Council of the Federation, there is also a Council of Atlantic Premiers (www.cap-cpma.ca) and a less formalized Western Premiers’ Conference that includes four provincial premiers and the three territorial premiers. There have also been significant inter-governmental agreements among particular provinces, such as the New West Partnership established in 2010 among British Columbia, Alberta, and Saskatchewan

Council of the Federation

An organization established by the premiers to enable cooperation among the provinces and territories.

(presumably Manitoba is part of the Old West) and the Ontario–Quebec Trade and Cooperation Agreement, 2009. These agreements seek to remove inter-provincial barriers to trade, investment, and labour mobility.

Fiscal Federalism

12.5 Explain the financial relationship between Ottawa and the provinces.

A bone of contention for Canadian provinces is that the federal government raises far more money than it needs and that the provinces do not have sufficient resources for their needs. This vertical **fiscal imbalance** was first raised by Quebec, but the other provinces have also chimed in. The nub of the problem is that the provinces have expensive constitutional responsibilities, such as health care, but lack the revenue to discharge them adequately. They feel that Ottawa should loosen its grip on revenue sources and allow them access to more revenue. This has been the root of a series of measures introduced by the Canadian government to address provincial financial needs. Immediately following Confederation there were a variety of subsidies to the provinces, but it was only in the post-World War II era that shared-cost programs, block grants, and other mechanisms were introduced.

Fiscal Imbalance

The mismatch between revenue received and revenue required. Federal revenues exceed the amount the federal government needs, and provincial revenues are insufficient to discharge the provincial constitutional responsibilities.

Taxes

Both levels of government levy income taxes, but the federal government gets the lion's share. As Table 12-2 indicates, the Canadian and provincial governments raise their revenues from some of the same sources. Facing criticisms of the centralized income tax rental system established in 1941, tax collection agreements in 1962 allowed each provincial government to determine its own provincial income tax rate as a percentage of the federal tax rate. The Canada Revenue Agency collects personal income taxes on behalf of both levels of government (except in Quebec, which has had its own provincial tax collection system since 1954). The Canada Revenue Agency also collects corporate income taxes for all provinces except Quebec and Alberta.

Another major source of revenue for both levels of government, the sales tax, features federal–provincial coordination in some provinces but not in others. Newfoundland and Labrador, Nova Scotia, New Brunswick, Ontario, and Prince Edward Island use the harmonized sales tax (HST), a value-added tax on a common tax base.¹⁰ The other

Table 12-2 Federal, Provincial, and Municipal Tax Revenues

	Federal	Provincial	Municipal
Personal income tax	Yes	Yes	
Corporate income tax	Yes	Yes	
Sales tax	Yes	Yes	
Natural resource revenues		Yes	
Property tax			Yes
Payroll taxes	Yes	Yes	
Customs and excise duties	Yes		
Lotteries and gaming		Yes	
Alcohol sales		Yes	

NOTE: The federal government has the constitutional authority to raise money by any mode.

SOURCE: Based on Bakvis, Baier, & Brown, *Contested federalism: Certainty and ambiguity in the Canadian federation*. Toronto, ON: Oxford University Press, 2009, p. 141.

¹⁰ The harmonized sales tax (HST), which combines the federal and provincial retail sales tax, is collected by the Canada Revenue Agency. B.C. adopted the HST in 2010 but withdrew from the HST in 2013 as a result of a provincial referendum.

Table 12-3 Federal Support to Provincial and Territorial Governments, 2018–2019

	(\$ millions)
Major transfers	
Canada Health Transfer	38 584
Canada Social Transfer	14 161
Equalization	18 958
Offshore offsets	–95
Territorial Formula Financing	3 785
Total federal support	75 393

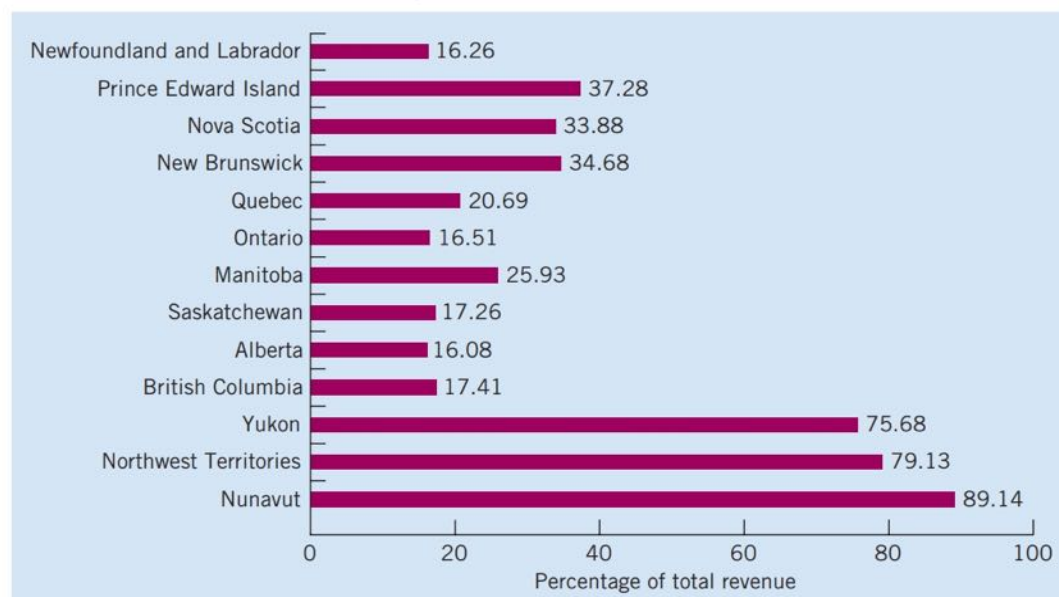
NOTE: Transfer payments do not include the transfer of tax points. Provincial governments are not required to spend the Health and Social Transfers for the purposes listed. Social Transfers include transfers for social programs, post-secondary education, and children.

SOURCE: Data extracted from Department of Finance Canada (n.d. a). Federal Support to Provinces and Territories. Retrieved October 19, 2018, from <http://www.fin.gc.ca/fedprov/mtp-eng.asp>.

provinces levy and collect their own retail sales tax (except Alberta and the three territories, which have avoided using this tax), while the Canadian government collects the Goods and Services Tax (GST) in provinces and territories that do not use the HST.

Transfer Payments

To enable provincial governments to pay for expensive responsibilities, including health care, education, and social services, the Canadian government transfers to them considerable amounts of money that it has raised itself. In the 2018–2019 fiscal year, for example, the Canadian government transferred about \$75 billion to provincial and territorial governments (as detailed in Table 12-3). Overall, provincial governments receive, on average, about one-fifth of their revenue from the federal government, although the poorer provinces receive a higher proportion of their revenues from the Canadian government than the richer provinces. (See Figure 12-1.)

Figure 12-1 Federal Cash Transfers to Provincial Governments as a Percent of Total Provincial Government Revenue, By Province, 2017–2018

SOURCE: Compiled and calculated from Department of Finance Canada, Fiscal Reference Tables 2018, Tables 18 to 31 (n.d. b) Retrieved on October 19, 2018, from <http://www.fin.gc.ca/frt-trf/2018/frt-trf1805-eng.asp>.

Conditional Grants

The Constitution Act, 1867, required that the Canadian government provide funds for each provincial government and per capita grants to help them discharge their constitutional responsibilities. However, these small sums were inadequate to help provincial governments deal with the problems caused by massive unemployment during the Great Depression. Many provinces were almost bankrupt at that point, so the scale of their problems was painfully clear. After World War II, governments greatly expanded their role in providing services such as health care, social welfare, and post-secondary education. However, without revenue from the federal government, the provinces would have been unable to provide these programs. As mentioned in the section “Canada: A Decentralized Federal System,” in the aftermath of World War II, Canadians, like citizens in other western democracies, welcomed the social initiatives that were being introduced, regardless of who paid for them.

To establish national programs in areas in which the provinces have legislative authority, the Canadian government made use of **conditional grants**. Although Ottawa took the lead, provincial governments administered these programs and had to meet conditions set by the federal government to receive the money for them. It was the Canadian government that launched national social programs, because it wanted to ensure that citizens were able to receive a similar set of basic social services wherever they lived. Generally, these are shared-cost programs.

The Quebec government and, at times, the governments of some other provinces objected to conditional grants because health, post-secondary education, and welfare fall exclusively within provincial jurisdiction. Another concern was that provincial priorities were distorted by conditional grants because the temptation of 50-cent dollars (because they had to pay only half the cost) was politically difficult to resist.

Block Grants

Responding to provincial concerns in 1977, the Canadian government changed its cash transfers for health care and post-secondary education from a shared-cost basis to a single **block grant**—that is, a basically unconditional grant of a block of money to provincial governments. In 1996, the Canada Assistance Plan, which provides welfare and some other social programs, was added to the block grant. In 2004, the grant was divided into two blocks: the **Canada Health Transfer** (for health care and hospital insurance) and the **Canada Social Transfer** (for post-secondary education, social assistance, early childhood education, and child care programs). The Canadian government notionally divides the Social Transfer into funding for three categories: social programs, post-secondary education, and child-related programs. However, each provincial government is free to decide how the Social Transfer is to be used.

Block grants are calculated for each province on what is essentially a per capita basis, and they flow into the general revenues of a provincial government. Unlike shared-cost grants, they are not based on the costs of provincial programs. Since the Canadian government is no longer committed to providing 50 percent of the costs of the programs, it has managed to unilaterally reduce its share of the costs. In particular, the Canadian government slashed the transfer for health, welfare, and post-secondary education by about one-third in its 1996–1997 budget to deal with a serious deficit problem. Provincial governments now pay a substantial majority of the costs for these programs.

Although the Health and Social Transfers are described as block grants, there are some strings attached. The Canada Health Act (1984) allows the Canadian government to cut back on payments to any province that does not respect the principles of public administration, comprehensiveness, universality, portability, and accessibility in its public health care system. The Canadian government has used this Act at times to withhold some money from provincial governments that allowed extra billing

Conditional Grants

Federal grants to provincial governments for specific programs that have to meet conditions set by the Canadian government.

Block Grant

The unconditional transfer of a block of money from the federal government to a provincial government.

Canada Health Transfer

A block grant intended to fund health care and hospital insurance, although some conditions are involved.

Canada Social Transfer

A block grant intended to fund post-secondary education, social assistance, early childhood education, and child care programs.

of patients and user charges for basic (core) health care services. The only condition attached to the Canada Social Transfer is that provincial governments cannot impose a residency requirement for recipients of social assistance.

Because of the soaring costs of providing health care, provincial governments have lobbied for greater funding from the Canadian government and for guarantees that block funding not be subject to unilateral cuts by the federal government. In turn, the Canadian government has wanted some accountability for the funds it transfers to the provinces for health care, as well as kudos from the public for helping to address the problems facing the health care system. As a result of the federal–provincial Health Accord in 2004, the Canadian government committed to increasing the Canada Health Transfer by 6 percent per year for 10 years. After 2016–2017, there is a commitment to increase the Health Transfer by at least 3 percent per year.¹¹ In addition, federal–provincial Health Accords in 2003 and 2004 provided special funds for provincial governments that were earmarked for specific purposes, such as reducing waiting times for certain operations and purchasing medical equipment. To improve accountability to the public, the Health Council of Canada was set up to monitor and report on the performance of the health care systems. However, the Health Council and some other provisions of the federal–provincial Health Accord were cancelled by the Harper government in 2014.

Equalization Payments

Unconditional grants from the Canadian government to the governments of the poorer provinces to bring their revenue-raising capabilities up to a national standard.

Equalization Payments

Equalization payments are now enshrined in the constitution, and the principle of equalization is strongly supported by Canadians despite serious misunderstanding of how it works. (See Box 12-2: The Politics of Equalization.) There is a wide disparity

Box 12-2 The Politics of Equalization

In 2006, Alberta Premier Ralph Klein threatened to “walk away” from the federal equalization program because Alberta’s natural resource wealth was included in the formula, thus implying that the Alberta Treasury was being raided. This neatly illustrates how poorly understood equalization is and why it is politically charged.

There is strong support for the underlying principle of equalization, namely that Canadians who live in less affluent provinces should not receive sub-standard services. Despite public support, periodically the topic flares up and hits the headlines. While equalization payments are now enshrined in the constitution, changes in the formula for calculating entitlements generate a lot of heat. The other reason is that, being a federal program, decisions on equalization are ultimately in the hands of the prime minister, who can manipulate it for political reasons.

Premier Danny Williams (Newfoundland and Labrador) ordered the removal of all Canadian flags from provincial government buildings in December 2004. It was a protest against Prime Minister Paul Martin reneging on a federal election promise that would allow the province to retain 100 percent of offshore energy revenues without a reduction in the equalization payments that Newfoundland and Labrador received as a “have not” province. Normally some of it would be clawed

back from the province’s equalization payments. Weakened by the sponsorship scandal, Martin was anxious to retain seats in the province in the June, 2004 campaign. Stephen Harper’s election promise was that he would end the offshore claw-back, a promise he broke when he became prime minister in 2006.

As the temptation to use the equalization program for partisan purposes is irresistible, it would be preferable to depoliticize it by handing it over to an independent body, as they do in Australia. There an independent, politically neutral body, the Commonwealth Grants Commission (CGC), administers equalization. The CGC determines the entitlement of the states and territories to revenue from the federal Goods and Services Tax, which serves as the equalization pool. Commissioners are former civil servants and prominent economists who consult with states and territories, often travelling to them on fact-finding trips. The CGC’s authoritative decision-making role has removed equalization from the political realm (Béland, Lecours, et al., 2017).

The nature and dynamics of Australian and Canadian federalism are quite different, so it would be difficult to replicate their CGC. Nevertheless, perhaps Canada should explore alternatives to a mechanism that is so vulnerable to partisan politics yet so valued by Canadians.

¹¹ There is also a commitment to increase the Canada Social Transfer by 3 percent per year. The Liberal party promised to negotiate a new Health Accord (including long-term funding) with the provinces in the 2015 election campaign.

Table 12-4 Equalization Payments, 2018–2019 (\$ millions)

PEI	419
Nova Scotia	1 933
New Brunswick	1 874
Quebec	11 732
Ontario	963
Manitoba	2 037

SOURCE: Compiled from Department of Finance Canada (n.d.). Federal Support to Provinces and Territories. Retrieved October 19, 2018, from www.fin.gc.ca/fedprov/mtp-eng.asp.

between provinces in terms of their ability to raise funds through taxation, with some better equipped to provide services to their populations than others. Since 1957, the Canadian government has directed equalization payments to the governments of the poorer provinces. A commitment to the principle of equalization, defined as ensuring that “provincial governments have sufficient resources to provide reasonably comparable levels of public services at reasonably comparable levels of taxation,” was included in the Constitution Act, 1982.

Basically, equalization payments are unconditional grants by the Canadian government to the governments of the poorer provinces to bring their revenue-raising capabilities up to a national standard. The total amount of equalization payments is limited to a three-year moving average of gross domestic product (GDP) growth. For the 2018–2019 fiscal year, six provinces received about \$19.0 billion. (See Table 12-4.)

Despite misconceptions on their source, no provincial revenue flows into equalization payments; rather they come out of the general revenues of the federal government. Although the federal government receives more tax revenue per capita from persons and businesses in the richer provinces than the poorer provinces, equalization does not create total equality among provinces.

The method of calculating equalization payments has varied over time. The system adopted in 2007 and modified in 2009 sets the national standard as the average revenue-raising (fiscal) capacity of all ten provinces in terms of how much each province can raise from its personal income tax, corporate income tax, sales tax, property tax, and 50 percent of its natural resource revenues. Increases in the federal government’s total equalization payments are limited to the nominal growth in Canada’s gross domestic product. There is also a cap on the amount a province receiving equalization can obtain, based on the average fiscal capacity of the equalization-receiving provinces (including equalization payments and 100 percent of their resource revenues) (Smart, 2009).

As discussed in Box 12-2, the equalization formula was strongly condemned by the government of Newfoundland and Labrador. From its perspective, royalties from the province’s offshore oil are only a temporary source of wealth, allowing this traditionally poor province a chance to pay down its large provincial debt and to work on developing its economy. Other provinces, such as Ontario and Alberta, have been critical of the equalization system: former Ontario Premier Dalton McGuinty called on Ontario residents to fight to change the equalization system that transfers billions of federal tax dollars paid by Ontarians to other provinces (CBC News, 2008). Alberta’s former Finance Minister Ron Liepert was critical of the unconditional nature of equalization payments, arguing that recipient provinces should have to prove that the money is being used wisely (Walton, 2012). In June 2018, the federal Liberal government announced that it had decided to extend the current equalization formula until 2024 (Maimann, 2018).

Territorial Governments

In the past, the northern territories were largely under the control of the Canadian government. Beginning in the 1970s, the Canadian government gradually transferred

responsibility for major services such as health care, education, and social services to the territorial governments. Each territorial commissioner now holds a position quite similar to that of provincial lieutenant-governors. The process of devolution (transferring authority to the territories through acts of the Canadian Parliament rather than a constitutional change) was largely completed in Yukon in 2003 and the Northwest Territories in 2014, with the transfer of land and resource management responsibilities to the territorial government. Negotiations to devolve these responsibilities to the Nunavut government began in 2014, and the negotiations are ongoing. Indigenous peoples have been participants in devolution negotiations in the three territories and have obtained a share of resource revenues on their lands.

Despite devolution and the adoption of responsible government generally equivalent to that of provincial governments, the territories depend on federal government transfer payments (the Territorial Formula Financing, an unconditional grant) for a substantial majority of their revenues. Issues concerning the share of resource revenues that flows to the federal government and federal control of offshore resources (and related environmental concerns) are also important.

Local Governments

Local (municipal) governments can be described as the “Cinderella” of governments, as they are creatures of provincial governments and have no constitutional status. A jarring reminder of their subordinate position was Premier Doug Ford’s decision to unilaterally cut the size of Toronto City Council by almost half in 2018. Local governments provide essential services, such as drinking water, garbage disposal, fire protection, road building and maintenance, and snow clearing. They also make an important contribution to the quality of our lives through parks, playgrounds, recreational and cultural activities, public transportation, and zoning bylaws. Their functions affect us daily and directly, yet citizens pay very little attention to them.

Provincial governments that have pressed for decentralization and autonomy vis-à-vis the federal government have generally been reluctant to loosen their own control over local governments, whose very existence can be altered by provincial governments: the Ontario government amalgamated the six municipalities of Metropolitan Toronto in 1998 despite fierce opposition as expressed in a referendum. Municipal governments are also subject to various rules and regulations set down by their provincial government.

One could argue that a fiscal imbalance exists at this level because municipal governments have growing and important responsibilities but limited financial options to discharge them. Property taxes are their primary source of revenue, with some funds derived from various licence fees. These are insufficient, leaving them dependent on their provincial government. Major cities like Toronto have budgets that are larger than that of small provinces (e.g., Toronto’s budget for 2018 was \$11.12 billion, whereas New Brunswick’s was \$9.6 billion for the same year).

At times, the federal government has provided funds for municipalities. This has been formalized in commitments to refund the money that local governments pay in federal tax for goods and services. As well, the Canadian government’s Gas Tax Fund provides \$2 billion per year (increasing by 2 percent per year) in stable funding to provincial and territorial governments for a variety of local infrastructure projects. There was some good financial news in 2018 as municipalities were promised \$180 billion in infrastructure funding from the federal government over 12 years under the Investing in Canada plan. Projects include public transit and green infrastructure in cities as well as initiatives in rural areas (Federation of Canadian Municipalities, 2018).

Nevertheless, municipal governments remain underfunded and require money not just for their considerable existing functions but also for new issues that crop up. The Fentanyl crisis stretched resources in many municipalities, and the legalization of marijuana will strain their capabilities even more.

Climate change will have major impacts on cities, and many are putting in place plans to respond to the challenges it will pose. To cite just one example, in collaboration with the cities of Calgary and Edmonton, the Prairie Climate Centre embarked on a research series, *Building a Climate-Resilient City*, which sets out how the two cities can engage in climate risk management in a number of areas from transportation to emergency management (Prairie Climate Centre, 2017). It is possible that Canadian cities will pick up the slack if provinces like Saskatchewan and Ontario fail to take the threat of climate change seriously.

Finding ways to include city governments in the processes of federalism is an important challenge for the future of Canadian federalism. Efforts in the 1980s and early 1990s to constitutionalize a role for local governments in the federal system failed. There has been a “developing relationship” between municipalities and the federal government, most notably in the provision of infrastructure financing. However, in the view of the Federation of Canadian Municipalities (FCM) (<https://fcm.ca/home.htm>), “We are no closer to FCM’s goal of a true collaborative inter-governmental partnership to deal with the issues in our cities and communities” (2012, p. 14). Given the size and importance of Canada’s major cities, greater self-government and a stronger voice in Canadian governance would seem to be desirable.

Summary and Conclusion

Depending on your point of view, Canada’s brand of federalism is in crisis or is a remarkable achievement. It has come a long way since 1867, overcoming existential challenges and adapting to a rapidly changing world. In addition to incorporating a province that is culturally and linguistically distinct, it has adjusted to the arrival of immigrants from over one hundred countries. Where the country can improve is in its relationship with Indigenous people.

Despite the degree of decentralization and squabbling about jurisdictional issues, rich and poorer provinces do enjoy reasonably comparable levels of services. Equalization payments, health care, and transfers to the provinces have averted the emergence of a yawning gulf between prosperous and poorer regions that exist elsewhere.

The presence of Quebec and provinces with diverse economies and interests makes a looser federation inevitable. However, differences should not be exaggerated: although it is still easy to stoke regional resentment, it is also true that many bonds cross provincial boundaries. As discussed in Chapter 6 and 7, civil society, social movements and issue-oriented groups link citizens nationally and even internationally. The advent of electronic technologies widens horizons and facilitates mobilization on issues such as climate change, human rights, and women’s rights. Still, premiers often mobilize their citizens in battles with the federal government, although a significant slice of their population may disagree with the stand they take.

Executive federalism plays a role in highlighting divisions as the high-stakes, closed-door process shuts out citizens and gives their political leaders a monopoly on voicing their views. The modern federal system requires considerable inter-governmental cooperation and collaboration, but conflicts often garner the most attention, giving the impression that it is the dominant characteristic.

At times, though, a tug-of-war between the two levels of government has endangered national unity and made it difficult to deal with national problems. Some tension in the federal system is inevitable as participants navigate the shoals of shared and divided jurisdiction. Ottawa pursues national objectives affecting the population as a whole, while each provincial government has its eye on the interests of its own province.

Federalism is an ongoing process that requires flexibility and enables it. There is built-in tension between national and sub-national goals and the push and pull of loyalties, but these are accompanied by the means to address them. Questions abound: Will Canada survive? Is a central government with strong financial resources and legislative powers needed to ensure the equality of services that most Canadians expect? Should we embrace asymmetrical federalism? These are imponderables, but Canadian federalism has demonstrated remarkable resilience in the past, so there is reason to hope that it will respond equally well in the future.

Discussion Questions

1. Does Canada's federal system need to be modernized?
2. What poses the greatest threat to Canadian federalism?
3. Is the Canadian federal system too centralized or too decentralized?
4. Is an asymmetrical federal system a threat to national unity?
5. Should there be greater provincial representation within national governing institutions?
6. Does Canada's equalization system need to be changed?

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Chapter 13

The Executive



Chris Wattie/Reuters/Newscom

Former Liberal foreign affairs minister John Manley (left), chair of an independent panel on Canada's future role in Afghanistan, presents his advisory group's recommendations to Prime Minister Stephen Harper in 2008.

Learning Objectives

After reading this chapter, you should be able to

- 13.1a** Explain what it means to have a “constitutional monarchy.”
- 13.1b** Identify the powers of the governor general.
- 13.2a** Outline the bases of prime ministerial and cabinet power.
- 13.2b** Explain the two aspects of responsible government.
- 13.3a** Discuss whether the prime minister is too powerful.
- 13.3b** Explain the key factors in constructing a cabinet.
- 13.4** Examine how the cabinet decision-making process works for regular and budget policy.

In 2006, newly elected Prime Minister Stephen Harper faced a decision on whether Canada would extend its military deployment to Kandahar, Afghanistan, under the prerogative power of the executive.* During the 2006 election campaign, his party had promised to include Parliament in decisions committing the Canadian Forces to foreign operations. Harper was determined to honour that promise despite having to introduce a resolution that would certainly be a confidence matter when he had a minority government. He knew that winning the support of the other parties would be a tricky matter.

Prime Minister Harper knew he would need the support of the opposition parties in the House of Commons in 2006. Prior to introducing the resolution in the House, he met with Gilles Duceppe, the leader of the Bloc Québécois, and left the meeting believing that the Bloc would support continuing the mission. He knew that Bill Graham, interim leader of the Liberal Party of Canada, would have a serious challenge in uniting party members who were divided on support for the mission despite personally supporting it. After one day of debate, the motion passed easily but, much to the surprise of the prime minister, with the majority of Liberals supporting it and the Bloc opposing it.

The 2008 vote in the House on renewing the mission was even more difficult. Stéphane Dion had been elected leader of the Liberal Party and was critical both of the mission and of the government's handling of the mission, believing they had withheld information from the public. Anticipating a serious challenge in Parliament, the prime minister took the advice offered separately from the Prime Minister's Office (PMO) and the Privy Council Office (PCO) and created a blue ribbon panel headed by former Liberal cabinet minister John Manley to review the mission and advise on its future. The report of the Manley panel was fiercely debated within the Liberal caucus, with Dion not persuaded to follow its recommendation on a reconfigured deployment of troops to Afghanistan.

Harper chose the timing of his meeting with Dion carefully and included Conservative House leader Peter Van Loan to ensure that the Liberals would send their House leader, the wily political veteran Ralph Goodale. The prime minister conceded the Manley report's criticisms of his government and gave Dion the opportunity to suggest ways that Parliament scrutiny of the mission could be improved and a path forward. When Dion continued to focus on the criticisms in the Report, Goodale intervened to suggest how the wording of the motion on the mission could be phrased and possible next steps. When the Liberals outlined their conditions for supporting the mission in writing before the vote, including an end date of 2011, the prime minister agreed to them. After a debate in the House that was critical of the government and forced it to justify the mission, the motion passed.

This decision captures the fullness of the executive power and the limits on its exercise. The prerogative power gives the prime minister the power to act decisively on an important policy question. However, Harper understood that if his decision was to have legitimacy, it needed to be sanctioned by the House of Commons. In a minority government situation, the prime minister must cultivate the support of the other parties, even creating and ceding authority to independent panels in order to do so. In a majority situation, the government would have an easier time securing the support of the House but still face tough questions from the opposition, requiring the prime minister to justify his decision. The executive must answer to the House and ultimately to the people. It also demonstrates the crucial role played by central agencies like the PMO and PCO in advising the executive on its actions. In Canada, the executive is expected to act decisively, but there are subtle but important checks on that power.

* This vignette is based on Ian Brodie, *At the centre of government: The prime minister and the limits on political power*. Montreal and Kingston: McGill-Queen's University Press, 2018, pp. 48–51.

Chapter Introduction

Before there were legislatures and courts of justice, there were monarchs and their advisers. These advisers were privy to state secrets and counselled the monarch on them; hence the name, we still use of, "Privy Council." The executive is the oldest branch of government and has a long tradition of pre-eminence and dominance. Modern history is a tale of how legislatures representing the people have attempted to bind the executive to democratic will, and of how courts have tried to constrain the use of power by the rule of law.

As with any entity that has grown over centuries, the executive has taken on differences in form that follow from specializations in function. Where once the monarch and his advisers were unchallenged, later came the prime minister, whose job it was to manage a parliament for the monarch, his cabinet (who in the British tradition doubled as the Privy Council led by the prime minister), and a burgeoning bureaucracy. In the British tradition, the evolution happened gradually over centuries and peacefully for

the most part, creating a wealth of precedent, convention, and common law known as the **Westminster model of parliamentary government**. Other countries have adopted variations of this model which we still call Westminster systems.

The Westminster model is named after the area of London where the Houses of Parliament and Buckingham Palace (principal residence of the monarch) are situated. Under the model, citizens cast votes for party candidates, and the leader of the party with the largest number of candidates elected to the House of Commons is normally called upon to form the government. The party leader, who becomes the **prime minister**, nominates the cabinet and therefore forms the government. Because the prime minister and cabinet, with few exceptions, have seats in the House of Commons, legislative and executive power is “fused.” That means that the political executive, which is responsible for overseeing the day-to-day functioning of government (“executing” the laws), will present its legislative and budgetary proposals in the House of Commons and answer questions on them. Usually these proposals are successfully passed because the majority in the House will support its initiatives. Before the proposals become laws, they will receive royal assent and proclamation.

This chapter discusses role and powers of the executive in the Canadian version of the Westminster Model of Parliamentary Government. It begins by outlining the current role of the formal executive in Canada and explaining that while the Crown is an important component of the political system, most of its powers are exercised by the political executive. The chapter then turns to the role of the political executive. While strong centralized decision making is an advantage of the parliamentary model of government, the chapter outlines the powers of the prime minister and raises the question of whether the political executive, and especially the prime minister, has become too powerful. Next, the construction and role of the cabinet is explored, followed by a discussion of the cabinet decision-making process, including the important budgetary process. Once this overview of the three components of the executive (Crown, prime minister, and cabinet) has been given, the chapter reflects on the need for reforms to this branch of government and the quality of democracy in Canada.

Westminster Model of Parliamentary Government

The model of representative and responsible government used in the United Kingdom and in other countries that emulate it.

Prime Minister

The head of government, meaning the person chosen by the governor general to form a government, who is able to retain the confidence of a majority of the elected house of Parliament, the House of Commons.

The Formal Executive

13.1a Explain what it means to have a “constitutional monarchy.”

13.1b Identify the powers of the governor general.

One result of the evolutionary aspect of executive growth is the existence of formal and informal parts of the executive. The formal executive refers to the monarch, who is expected to be non-partisan and avoid political controversies. By “informal” we refer to the political executive (prime minister and cabinet), whose far-reaching powers derive largely from custom and convention but also from their political resources.

The Queen, the Governor General, and the Privy Council

Sections 9 to 11 of the Constitution Act, 1867, outline the **formal executive** and aspects of their authority. Executive government and authority is “vested in the Queen.”¹ By authority of the Letters Patent, 1947, the governor general permanently exercises virtually all of the monarch’s powers and authorities. Thus, the queen performs only ceremonial duties for Canada, with the exception of appointing her representative, the governor general, upon the recommendation of the prime minister.

Formal Executive

That part of the executive comprising the queen, the governor general, and the Queen’s Privy Council for Canada, which possesses formal constitutional authority and by convention acts on the advice of the political executive.

¹ If a king takes the throne, the wording changes accordingly.

The governor general is entrusted with “carrying on the Government of Canada on behalf of and in the name of the Queen,” in other words representing the Crown. Provincial lieutenant-governors represent the Crown for provincial purposes.² Thus, the queen remains Canada’s formal head of state, even though some governors general have occasionally referred to themselves as such.

The formal or nominal duties of the governor general include functions the governor general performs on the advice of the prime minister and cabinet, such as signing and giving royal assent to legislation, summoning people to membership in the Senate, appointing judges, summoning Parliament, dissolving Parliament (which results in an election), and so on. These functions are known generally but do not capture the full importance of the office to the operation of cabinet government. The second set of duties derive from the prerogative power and are discussed below.

The mandate of the Queen’s Privy Council for Canada is “to aid and advise in the Government of Canada.” It is the governor general who appoints, and also may remove, members of the Privy Council. The Privy Council consists of all those who have ever been federal cabinet ministers, plus a limited number of honorific appointments. The Constitution Act, 1867, establishes that the Privy Council is the main source of advice to the governor general (s.13). Nevertheless, the Privy Council seldom meets, let alone offers advice to the governor general. By convention, the **cabinet** is the only active part of the Council. However, when acting officially, the cabinet will rely on the formal authority of the Council.

Overall, then, the formal executive is the legal facade for the informal executive. By adopting a “Constitution similar in Principle to that of the United Kingdom” (wording found in the Preamble to the Constitution Act, 1867), Canada took on the relevant customs and conventions that had developed in the United Kingdom. Specifically, the monarch’s representatives act only upon the legally and constitutionally tendered advice of the government of the day. Thus, the prime minister and cabinet direct the business of government in the name of the Crown. Canada, like the United Kingdom, can thus be described as a constitutional monarchy or as a parliamentary democracy.

The Crown, Monarchy, and Prerogative

The best way to discuss the formal executive is to differentiate among the Crown, monarchy, and prerogative. In turn, the best way to investigate the Crown is to review its many meanings and the various sources of its powers.

The Crown is generally understood to be the repository of all of the executive powers of the state. Government is carried on in the name of the monarch—the queen or king—but the Crown remains the supreme authority. The sovereign authority of government thus comes from the Crown and not Parliament. “The Crown” is also a term used in a looser sense in many circumstances: as a symbol of what belongs to the Canadian public (e.g., Crown corporations), as the body that prosecutes in criminal cases, and as government acting as a trustee in specific instances (e.g., regarding the interests of some of the Indigenous peoples of Canada).

The powers of the Crown come from statute (legislation) and common law (the accumulation of judicial decisions). Parliament grants the Crown statutory powers, which give the Crown both executive power (the power to implement the laws) and legislative power (the power to make laws of a delegated or subordinate nature in the form of regulations or orders-in-council). In the ancient past, the common law allowed the monarch to legislate and act as well. These powers were called the prerogative power. A **prerogative power**, as Dicey (1965) says, is “the residue of discretionary authority, which at any given time is left in the hands of the Crown.” (p. 424). This

Cabinet

The active part of the Queen’s Privy Council for Canada. Composed of the prime minister and ministers, it controls most of the executive and legislative powers of government.

The Crown

The repository of all of the executive powers of the state and the supreme authority for government.

Prerogative Power

The powers the monarch once uniquely possessed that have not been taken away by Parliament.

² The lieutenant-governor of each province, appointed by the governor general on the recommendation of the prime minister, is the counterpart of the governor general (*Liquidators of the Maritime Bank of Canada v. Receiver-General of New Brunswick*, 1889).

means that the ancient powers the monarch once uniquely possessed that have not been taken away by Parliament are still intact. Two types have evolved: discretionary prerogative powers and prerogative powers devolved to ministers.

Discretionary Prerogative Powers

There are a few **discretionary prerogative powers** (also known as “personal prerogatives” or “reserve powers”)—those that the monarch’s representative “may exercise upon his or her own personal discretion” (Hogg, 2006, p. 284). These include the appointment and dismissal of the prime minister and the dissolution of Parliament. The governor general may also use personal discretion if the government is violating the Constitution or does not have the confidence of the House of Commons. In exceptional circumstances, such as the death of the prime minister or extreme party dissension, the governor general could lead the government or mediate between parties to find a government leader.

The governor general has used discretionary prerogative powers in only a few instances. In 1896, Conservative Prime Minister Charles Tupper recommended the appointment of a number of his party’s supporters to the Senate and the courts after his party was defeated in a general election. Governor General Lord Aberdeen rejected the recommendations. Since the prime minister did not have the confidence of the Commons (and the electorate) and the appointments would have been irrevocable, few would question the use of the discretionary power in this situation. In 1926, however, the use of the discretionary power to refuse the prime minister’s request to grant the dissolution of Parliament and call an election was highly controversial. (See Box 13-1: A Governor General Stirs Up Controversy: The King–Byng Affair.) In more recent times, Governor General Edward Schreyer later revealed that he had been prepared on his own to call an election if Prime Minister Pierre Trudeau had pressed on with the unilateral amendment of the Constitution after the Supreme Court in 1981 declared this action a violation of constitutional convention (as discussed in Chapter 10). Governor General Adrienne Clarkson stated that she would not have granted Prime Minister Paul Martin a request for dissolution and an election if he had requested it within the first six months after the 2004 election that resulted in a minority government (Levy, 2009).

Discretionary Prerogative Powers

Powers that the monarch’s representative may exercise upon his or her own personal discretion. Also called “personal prerogatives” or “reserve powers.”

Box 13-1 A Governor General Stirs Up Controversy: The King–Byng Affair

Prime Minister William Lyon Mackenzie King, whose grandfather led the Upper Canada Rebellion in 1837, is still remembered for his challenge to the discretionary power of the governor general in 1926.

In 1919, King won the Liberal party’s first leadership convention. Two years later, he became prime minister as head of a minority government that relied on the support of the Progressive Party.

The next election, in 1925, returned 101 Liberals, 116 Conservatives, 24 Progressives, 2 Labour, and 2 independents. Despite the second-place finish, King did not resign and governed for a year with the support of the Progressives, Labour, and independents. In June 1926, facing a vote of censure over a customs bribery scandal and with his support in the minor parties deserting him, he asked Governor General Lord Byng to dissolve the House and call an election.

Byng refused, noting that the Progressives were now ready to support Arthur Meighen’s Conservatives, less than a year had passed since the last general election, and the motives of King—to avoid the will of the House to express censure—were evident.

King resigned, and Meighen accepted the governor general’s request to form a government. Three days later the government was defeated by a single vote. This time, Governor General Byng had no alternative but to grant dissolution. King used the situation to his advantage. As he fought the 1926 election, he argued that the governor general should not have used the prerogative power to deny his request for an election, and was treating Canada like a British colony (Beck, 1968). King’s Liberals won a majority government in the 1926 election, and he went on to become Canada’s longest-serving prime minister.

Finally, Governor General Michaëlle Jean generated considerable controversy when, on December 4, 2008, she granted Prime Minister Stephen Harper his request to prorogue (end the session of) Parliament until January 26, 2009. In this case, Parliament had sat for only 13 days since the October 14 election that had returned a minority Conservative government, and a confidence vote on the budget was imminent. Given that the Liberal and New Democratic parties had signed an agreement to form a coalition government and had the support of the separatist Bloc Québécois party, the government was likely to fall.

Critics of the prime minister's request to prorogue Parliament argued that the situation was comparable to Prime Minister Mackenzie King's request for dissolution in 1926, when his government was facing censure in the Commons. Proroguing Parliament, like dissolving Parliament, would prevent the House of Commons from expressing its will. Furthermore, it is a primary responsibility of the governor general to ensure that there is a government in place that has the support of the majority in the House of Commons. In this case, the coalition government was ready to assume office.

Other experts argued that the governor general was right to follow the advice of the prime minister as established by the 1926 precedent. They noted that only one week of sitting time would be lost, given that the prorogation occurred during the holiday time, and also that the prime minister had promised to hold budget consultations during this period to table a budget that would address the global economic meltdown (Rasmussen, 2018). When Parliament reconvened, the confidence vote could be held then. They also pointed out that the Liberals had promised during the election campaign that they would not form a coalition government (Flanagan, 2009). When Parliament reconvened, the coalition had crumbled and the government survived, proving Jean's judgment right in this view.

Byng's use of the discretionary power and Jean's decision to accept the request of the prime minister both generated controversy. However, in both cases it was the prime minister who put the governor general in a difficult spot by trying to avoid the will of the majority in the House of Commons.³ The cases demonstrate that the exercise of this power is complex and not clear-cut, and that the governor general is normally bound to follow the advice of the prime minister.

Prerogative Powers Devolved to Ministers

Other prerogative powers have devolved from the monarch to ministers who act in the name of the Crown. For example, the large field of foreign policy—including making treaties and trade agreements, declaring war, deploying the armed services in international conflicts, appointing ambassadors, recognizing states, and accrediting diplomats—is largely governed by prerogative power. In more routine matters such as granting exemptions to laws, issuing passports, granting honours, appointing Queen's Counsel, and granting clemency, ministers enjoy the exercise of all these powers without necessarily having to involve Parliament. In recent years, the Supreme Court of Canada has imposed an important limit on ministerial discretion by requiring that these decisions be evidence-based and not founded on policy preferences alone (Brock, 2013). When Prime Minister Stephen Harper decided to consult Parliament before extending the Canadian missions in Afghanistan in 2006 and 2008, he set a powerful precedent similarly limiting the exercise of these discretionary powers.

³ Harper's successful request to prorogue Parliament in December 2009 was also controversial. While the opposition parties claimed it was designed to muzzle criticism related to an inquiry into Canada's role in the torture of Afghan detainees, the government used the upcoming Winter Olympics in Vancouver to justify suspending Parliament for two months.

The Political Executive

13.2a Outline the bases of prime ministerial and cabinet power.

13.2b Explain the two aspects of responsible government.

The **political executive** is made up of the prime minister, cabinet ministers, and ministers of state. It is the most powerful part of the political system, but surprisingly, the formal Constitution is silent on its existence and operation. It operates mostly under the cloak of custom and constitutional convention (politically but not legally binding practices) and occasionally under usages of the Constitution (non-binding practices). Thus, the political executive takes much of its direction from convention rather than statute.

Political Executive

The prime minister, cabinet, and ministers of state.

The Prime Minister, Cabinet, and Ministers of State

The prime minister is sometimes referred to as the “first minister” to indicate the leadership role in the cabinet. Convention dictates that only the active part of the Privy Council—the “government,” or cabinet of the day—can exercise governmental power. The language of government decision making reminds us that the cabinet operates in the name of the Privy Council. For example, Governor General in Council (usually referred to as the **Governor in Council**) is the formal name of cabinet, a minute of council is a decision of cabinet, and an order-in-council is a decision taken by virtue of power delegated to the cabinet. The term “Governor in Council” does not imply that the governor general actually presides over the cabinet—a practice that ended in the nineteenth century—or even attends cabinet meetings, but that the governor general acts on the advice of the cabinet.

Many of the executive functions of the cabinet are undertaken in the name of the governor general or the Governor in Council. These include some aspects of the prerogative power delegated to the cabinet collectively: the appointment of privy councillors, judges, and senators; involvement in international affairs; and the power of clemency, or pardon, given to federal offenders.

Governor in Council

The formal name given to cabinet in order to invest its decisions with constitutional authority. The phrase signifies that the governor general is acting on the advice of the Queen’s Privy Council for Canada, the active part of which is the cabinet.

The Flexibility of the Westminster System

Canadians sometimes take their form of government, and especially cabinet government, for granted, thinking that only one variety exists. This is not the case; parliamentary systems come in a surprising number of forms. The legislatures of Nunavut and the Northwest Territories make for fascinating examples. They do not have political parties; candidates run as independents; all members of the legislative assembly elect the premier and cabinet in a secret ballot; and the cabinet as permanent minority⁴ often sees its policy and budget decisions subject to change by the legislature. The major similarities to other legislatures in Canada are that the premier chooses the portfolios that cabinet members hold, and certain Westminster principles such as confidence votes and cabinet solidarity apply (White, 2006).

Other interesting examples of variations on the Westminster system exist outside Canada. For instance, the parliamentary caucuses of the United Kingdom Conservative Party and of the Australian Labour Party can choose and remove the prime minister, with the former subject to a ratification vote of all party members if necessary. In Australia and New Zealand, the parliamentary caucuses of the Labour parties select members of the ministry. Also, in the United Kingdom, the “Government,” which can number as many as 100 members, encompasses many different types of ministers: the

⁴ It is a permanent minority because it cannot depend on a party to marshal a majority in the legislature to support its program.

20 to 25 or so senior cabinet ministers who run Whitehall departments (sometimes called the “inner cabinet”), junior ministers, and parliamentary private secretaries.

The Canadian ministry follows few of these practices. The governing party’s caucus does not choose the prime minister. Instead, the prime minister is the leader of a political party who is normally chosen, in recent times, by a direct vote of all party members. (See Chapter 8.) The prime minister advises the governor general on the appointment of all ministers, and the caucus has little role to play other than that of a sounding board for the prime minister and cabinet. The government does not swell to the size of that of the United Kingdom, and, with the exception of an experiment with the short-lived Clark government (1979–1980), recourse to an inner cabinet is unknown.⁵

Categories of Office in the Ministry

Canadian practice also differentiates between categories of office in the ministry but not in ways identical to the United Kingdom. The following are the most common categories.⁶

The first category is the prime minister. The prime minister is the most powerful of the ministers by virtue of method of appointment, electoral base, and various prerogatives and powers, including providing leadership to cabinet and government. The prime minister sets the priorities and agenda of government, chooses and presides over cabinet, controls the dissolution, convening and prorogation of Parliament, and is consulted on all important matters of government.

Second are the ministers, who head departments of government. Specific departmental acts and the Interpretation Act set out the responsibilities of most ministers. However, in special cases comprehensive statutes such as the Financial Administration Act create certain ministerial portfolios and departments. Some ministers—termed line ministers—head departments that are primarily involved in providing services to the public or a segment of society (such as the ministers of agriculture and health). Others are responsible for departments that are more concerned with policy coordination (such as the ministers of international trade and finance). In recent years, the prime minister has provided mandate letters to ministers to guide them in their duties.

Third are ministers of state (also termed “secretaries of state”). These junior ministers are usually assigned specific duties to assist senior cabinet ministers in their portfolios. The Martin government (2003–2006) created a distinction between the cabinet and the ministry; in the former were the traditional cabinet ministers and in the latter were secretaries of state, who were members of the Privy Council but not of the cabinet. Like cabinet ministers, secretaries of state were bound by the convention of collective responsibility (discussed below). They earned three-quarters of the salary of cabinet ministers. Secretaries of state were able to attend cabinet on a rotational basis in the Chrétien years, and in Martin’s interlude they were expected to attend all cabinet meetings. Ministers without portfolio were the forerunners to this post in the previous century and have very occasionally been appointed in more recent times; they were valuable to the setting of collective policy in cabinet but were not given a department to manage.

Stephen Harper maintained the distinction between “ministry” and “cabinet” but called the officials “ministers of state.” Ministers of state can attend the cabinet committee meetings relevant to their areas of responsibility. Ministers of state represent ministers at events, stakeholder meetings, parliamentary committees, and question period, and they demonstrate policy leadership in areas specified by the prime

⁵ The term “inner cabinet” has a variety of meanings, most of them referring to an elite committee within cabinet that is the most influential or sets broad policy directions for the rest of cabinet. However, the sense in which we use the term here is that of the Clark government (1979). Clark had an inner committee of ministers with final decision-making power, and the full cabinet was simply a forum for discussion and coordination.

⁶ Occasionally there are deviations from the pattern, particularly in the occasional appointment of an associate minister of defence—a practice that goes back to the 1940s Cabinet War Committee.



Geoff Robins/AFP/Getty Images

The 2015 Canadian cabinet with Governor General David Johnston.

minister or minister. Unlike ministers, however, they do not oversee any area of the public service. In 2015, Justin Trudeau appointed the first gender-balanced cabinet but named five women as junior “ministers of state” who initially received lower pay but were known just as “ministers.” When the salary discrepancy was pointed out, he corrected it and stressed the equality of all ministers regardless of whether they headed a department of government.

Parliamentary secretaries are government party members chosen by the prime minister to assist a minister, or occasionally more than one minister. Their major function is to act as intermediaries or liaisons among the minister, the Commons and its committees, the caucus, and the general public. However, parliamentary secretaries are not considered to be part of the ministry and do not have access to cabinet documents. Their status may vary according to the prime minister in question. No matter which government they serve, parliamentary secretaries are subject to the Conflict of Interest Act and to the Conflict of Interest Code for Members of the House of Commons.

Responsible Government

Whereas certain conventions govern the relationship between the formal and political executive, other conventions guide the operation of the political executive. Responsible government is the central convention of the Canadian Constitution. It maintains that the cabinet needs the continued support of the majority of the elected House of Commons to stay in office. This is also known as “collective responsibility.”

Responsible government is a British heritage, because Britain was the model for our struggles for democracy in Canada. It involves two related aspects: **individual ministerial responsibility** and the **collective responsibility** of the whole cabinet.

Individual Ministerial Responsibility

Individual responsibility is essentially the duty to submit, to defend, and to resign, if necessary. A minister has to submit his or her department’s estimates and plans to the House, to defend them there, and to answer questions about these and related aspects of the department’s operations. The minister may be expected to resign if guilty of improper behaviour or of failure to offer correctives to problems in running the department. Members of the House may direct questions to a minister about official duties relating to the minister’s present portfolio. According to parliamentary rules, the minister does not have to answer questions directed at him or her, but public opinion creates pressure for the minister to complete this ring of ministerial responsibility.

Individual Ministerial Responsibility

The responsibility of individual cabinet ministers to the House of Commons for the decisions and actions of the department they administer.

Collective Responsibility

The convention that the cabinet as a group is responsible to the House of Commons for the decisions and actions of the government.

In addition, individual ministerial responsibility includes political culpability or blame that may taint a minister's reputation and reflect badly on the government as a whole. The classic approach holds that the minister is responsible (culpable) for every action that takes place in the department, whether or not the minister knew of it. This approach seems to have had currency up until the mid-twentieth century. However, the enormous job of monitoring increasingly large and complex bureaucracies has led to questioning of the doctrine, although parliamentary opposition members still occasionally refer to it in the hope of making a minister resign for some bureaucratic indiscretion.

The modern realist version of the doctrine recognizes a distinction between official acts of which the minister can reasonably be expected to be aware and those incompetent or illegal actions the minister could not have known about. To be sure, once having become aware of such incompetence or illegality, the minister may be held culpable before Parliament for failing to take remedial administrative measures or appropriate corrective action. In the House, a minister may be called upon to resign in certain other obvious cases: misleading Parliament, authorizing unreasonable use of executive power, or engaging in immoral conduct or conduct unbecoming a minister of the Crown.

"Conduct unbecoming" has been the undoing of several ministers in recent decades. For example, Solicitor General Francis Fox resigned in 1978 after forging the signature of his mistress's husband so she could get an abortion; he returned to cabinet two years later. Defence Minister Maxime Bernier was forced to resign in 2008 because he broke rules regarding government classified documents; specifically, he left NATO documents for five weeks at the apartment of his girlfriend, who had connections to biker gangs. In February of 2013, Aboriginal Affairs and Northern Development Minister John Duncan resigned from the Harper cabinet after it was revealed that he had contacted a Tax Court judge on behalf of a constituent over a Canada Revenue Agency matter, writing a character reference letter to a judge (and thus implicitly violating the principle of judicial independence) (CBC News, 2013, February 15). A month later, the minister of inter-governmental affairs/president of the Privy Council, Peter Penashue, resigned over the issue of "ineligible contributions" to his 2011 election campaign in Labrador to run (unsuccessfully, as it turned out) in the ensuing by-election. So, conduct unbecoming can take many forms; there are many roads to resignation.

Ultimately, the prime minister determines the fate of a minister under attack in the Commons. The calculus that the prime minister considers when deciding whether or not the minister will go is complex. It can include such considerations as whether the minister is only trying to administer a policy that cabinet decided on collectively, whether the fate of the whole ministry is at stake if the minister does not go, whether the government will appear weak if the prime minister bows to demands from the opposition for the minister's resignation, and, of course, whether public opinion is a threat to the government. Ordering a minister to resign is one of the most painful decisions a prime minister has to take. Often, instead of forcing a ministerial resignation, a prime minister will just move a weak minister to a lesser portfolio or out of cabinet in the next shuffle.

Collective Responsibility

Collective responsibility is the second major part of the doctrine of responsible government. As Heard (1991) notes, there are three interrelated aspects of collective responsibility: the responsibility of the cabinet to the monarch, the responsibility of the cabinet to itself, and the responsibility of the cabinet to the House. The first gives rise to the oaths that new members of the Privy Council take, the second to the doctrines of cabinet solidarity and cabinet secrecy, and the third to the confidence convention (the requirement that the cabinet retain the confidence of the majority in the House of Commons).

The responsibility of the minister to the monarch is reflected in the oaths new privy councillors take after they receive a commission from the governor general summoning them to the Privy Council. The oath carries with it the duty to honour the right of the monarch's representative to be consulted, to encourage, and to warn—that is, to be kept up to date on government business and to be consulted on it—and the duty to resign upon refusal of dissolution if the governor general decides to use the reserve power. Conventional wisdom holds that these monarchical consultation, encouragement, and warning rights are more meaningfully exercised in the United Kingdom than they are in Canada, but when Canada's Governor General David Johnston was appointed he hinted that he expected they would indeed be guiding principles during his tenure (Chase, 2010).

Cabinet is responsible to itself in a number of ways. **Cabinet solidarity** is an important fact of life for Westminster-type governments. Basically, it means that ministers must avoid public disagreements over policy, even if they have already clashed in their opinions in the cabinet room, and that they must vote in unison in the House on government business. In a frequently quoted section of their work on responsible government, Forsey and Eglington (1985) noted the range of consequences that flow from cabinet solidarity:

1. Government advice to the Crown must be unanimous, even if arrived at after considerations of strongly held but opposed views.
2. A minister (i) must loyally support and defend any cabinet decisions and not quaver by suggestion that she or he was compromised or was reluctantly persuaded; (ii) must be prepared not only to refrain from publicly criticizing other ministers but also to defend them publicly; (iii) must not announce a new policy or change in policy without prior cabinet consent—if she or he does so cabinet may adopt the policy and save her or him from resignation, but if it does not, she or he must resign; (iv) must not express private views on government policies; (v) must not speak about or otherwise become involved in a colleague's portfolio without first consulting the colleague and gaining approval and probably that of the prime minister; (vi) must not make speeches or do acts that may appear to implicate the government, and must not express personal opinions about future policy except after consultation; (vii) must carry out the policy decided upon by cabinet so far as it affects the minister's own portfolio; (viii) must vote with the government, whether it is in danger or not; (ix) must speak in defence of the government and any of its policies if the prime minister insists (pp. 147–148).

Cabinet solidarity is important not just because it is a historical practice but because of its strategic value. The opposition and the media will take advantage of division in the cabinet, potentially leading to the defeat of the government in the House of Commons, especially if a revolt in the caucus is a factor. Prime Minister Harper adopted a strict version of cabinet solidarity, directing the Privy Council Office to vet public appearances and interviews by cabinet ministers, providing them with talking notes, as well as approving departmental information sent out to journalists.

As in the case of ministerial resignations, the prime minister decides the degree to which the words or actions of ministers count as a breach of cabinet solidarity and a threat to the stability of the government. Occasionally the first minister does not have to judge a minister who resists discipline; instead, the minister may decide that the disagreement with the cabinet is so fundamental that it is necessary to withdraw from the government. For example, Lucien Bouchard withdrew from Brian Mulroney's cabinet in 1990 because he was unable to accept changes to the Meech Lake Accord. Michael Chong resigned from Stephen Harper's cabinet in 2006 because he did not support the government's motion recognizing the "Québécois as a nation within a united Canada." Joe Comuzzi resigned in 2005 because he disagreed with the government's same-sex marriage bill. However, resignations from cabinet on matters

Cabinet Solidarity

The basic principle that ministers must avoid public disagreements over policy once cabinet decides on it and that they must vote in unison in the House on government business.

of principled disagreement are few and far between. Ministers tend to leave cabinet because the prime minister has judged their behaviour to be a detriment to the government's image (Maxime Bernier in 2008; Helena Guergis in 2010; Hunter Tootoo in 2016; Kent Herr in 2018) or because they have better career opportunities (John Baird in February 2015). Ministerial exits are not rare; there were close to 40 over the past three decades for various reasons.

There may also be instances when the prime minister does not enforce solidarity over issues of conscience. Such was the case with several votes over capital punishment. By a free vote in 1976, Parliament abolished the death penalty, except for certain offences under the National Defence Act. Another free vote in 1987 kept the abolition in place. In 1998, Parliament removed the last exceptions under the National Defence Act.

Cabinet secrecy complements cabinet solidarity, which is a linchpin of the cabinet-parliamentary system. Cabinet secrecy protects the expression of views by ministers in the setting of cabinet and cabinet committee discussions to encourage frankness. All ministers take an oath committing them to secrecy in their cabinet deliberations. D'Ombrain (2007) notes that "cabinet secrecy is widely assumed to be akin to executive privilege, shielding all that is internal to the cabinet. The cabinet secrecy convention does not protect the substantive secrets of the cabinet; rather it protects the processes whereby ministers arrive at decisions. That is all it protects" (pp. 334–335). Cabinet secrecy is the reason that cabinet ministers will go to great lengths not to divulge to the incoming administration (of a different party) the cabinet minutes of the previous administration. They will, however, pass along to the new administration the records of decision, which are necessary for the functioning of the state. Cabinet secrecy also safeguards cabinet ministers from having their opinions made public and having to defend them in the public realm.

Cabinet secrecy also protects the anonymity of public servants: their advice to ministers is made in confidence and intended to stay that way. Otherwise the public would identify public servants with a certain course of action when they are duty bound to serve the will of the government in office. Cabinet secrecy also provides the forum in which brokerage of regional interests can take place. Canadians have come to expect that the political executive is the venue for bargaining between regions rather than the legislative arena, as is the case in the United States.

Cabinet Secrecy

A convention that forbids the disclosure of the views expressed by particular ministers during cabinet (and cabinet committee) discussions, in order to encourage frankness.

Executive Dominance

13.3a Discuss whether the prime minister is too powerful.

13.3b Explain the factors in constructing a cabinet.

Canadians live in a system marked by executive dominance. This means that the prime minister and cabinet dominate the legislative branch—they direct its business and are the main originators of policy change and innovation. Some would say that this fact is due to cultural traits that predispose Canadians to "deference to authority" (Friedenberg, 1980). Others have noted a tendency for the executive to gather power around itself over time, especially through the prime minister (Savoie, 2008). Still others will see in executive dominance a holdover of British practices of government inherited from colonial times.

Whatever the broad reasons, the power structure itself contributes to the executive being the pre-eminent body in the political system. The power structure promotes executive dominance through constitutional authority and organizational factors. As we have seen, the Constitution is heavily biased toward the formal executive. In fact, the informal executive is the beneficiary of this constitutional windfall and expresses its will through legislation that refers to the governor general, the Governor in Council, or individual ministers. As well, only about 4000 staff work for the Canadian Parliament

(Axworthy, 2008) compared with approximately 260 000 departmental positions in the federal public service. Accordingly, the ability of Parliament to scrutinize the executive and hold it accountable is limited.

However, executive dominance is sometimes weakened. Occasionally the tables turn and Parliament is able, in a limited way, to set the agenda for the government. This is particularly the case in minority government situations. In some cases, the minority government has been toppled by a vote on a matter of confidence, while in other cases (such as in 2008) the prime minister has requested an election in hopes of gaining a majority. Nevertheless, the threat of defeat by vote of non-confidence is often enough to convince the government of the day to adopt some policies promoted by the opposition. The minority Pearson government in the 1960s was coaxed into developing medicare by its dependence on New Democratic Party support. The minority Trudeau government of 1972–1974 took on many initiatives that the New Democratic Party had promoted, such as the creation of Petro-Canada and electoral funding legislation. Somewhat similarly, the threat of a Liberal–New Democratic Party coalition government replacing the Conservative minority government in 2008 spurred the government to action. In November 2008, the government’s economic statement had done little to respond to the severe worldwide recession, despite calls for economic stimulus from the opposition parties. After the coalition emerged and after the prorogation, the Conservative government announced a major economic stimulus package.

The Prime Minister

Both the prime minister and cabinet have special powers and functions in the Canadian version of the Westminster model. First of all, the prime minister in the Canadian system enjoys the “five Ps of power”: parliamentary leader, party leader, patronage, policy maker, and public face. The prime minister leads the cabinet, which sets the priorities for Parliament, and is influential, along with the government House leader, in allocating Parliament’s time. The prime minister is a party leader elected by the broad membership of the party. The prime minister also holds the power of rewarding or thwarting ambition, because of the office’s control over the levers of patronage. There are thousands of non-public-service-related positions in the public sector to be filled. As well, the prime minister is the chief policy maker for government, overshadowing in recent years the plenary (full) cabinet and inviting a kind of “court government,” an undemocratic, almost aristocratic approach to governing (Savoie, 2008). Finally, the prime minister is the public face of government; when the prime minister is popular, the governing party is popular and the prime minister needs to expend relatively little political capital to maintain support within the party.

The prime minister is also powerful as a result of being the principal communicator with the Crown. Instruments of Advice are one mechanism the prime minister can use to intercede in, or affect, matters of governance. These are letters informing the governor general of the prime minister’s views on matters involving the Royal Prerogative; since 1953, the principal ones have been the summoning of Parliament, recommending the dissolution of Parliament and requesting an election, nominating the cabinet, summoning qualified people to the Senate, and changing the Crown’s prerogative. Other uses of Instruments of Advice are to designate a cabinet minister as deputy prime minister,⁷ to accept resignations of ministers, and to change the Table of Precedence for Canada (the list of seniority and rank of government officials). Appointment of the governor general of Canada is done by an Instrument of Advice submitted to the Queen.

The prime minister’s powers include the ability to intercede in most procedural and policy areas of government. These run the gamut of public policy but usually

⁷ Although many prime ministers have chosen a deputy prime minister, Prime Ministers Joe Clark, Stephen Harper, and Justin Trudeau did not do so.

apply to foreign affairs, finance, national unity strategy, and inter-governmental affairs—some of the highest-profile issues that can affect a government. In fact, in recent years the foreign affairs and inter-governmental affairs ministers have understood that the policy direction in these areas ultimately comes from the prime minister. Sometimes reminders of the prime minister's dominance take the form of surprise announcements that enable the prime minister to assert authority over cabinet, knowing that members will seldom raise their voices in objection, at least not publicly. For example, Pierre Trudeau's announcement of a major financial restraint program in the mid-1970s surprised even his own finance minister.

Power also originates in the prime minister's role as the principal architect of government. The prime minister can shift the attention of ministers and officials by simply focusing attention on organizational matters. Early in the twentieth century, the prime minister chose personnel for a cabinet that stayed relatively stable in size and configuration. In the intervening years, it became this and more: now added was a general responsibility for the design of government. The first minister can thwart the ambition of both ministers and bureaucrats by forming small cabinets; can control ministers by having a large and powerful planning and policy-oriented central agency; and can position certain ministers above others by assigning the most important departments to them, such as finance.

In addition, the prime minister can turn to the Royal Commissions and commissions of inquiry to energize or change the basic direction of government, as was the case with the reports of the Rowell-Sirois Commission (1940), the Gordon Commission (1957), the Macdonald Royal Commission (1985), Royal Commission on Aboriginal Peoples (RCAP, 1996), the Royal Commission on the Future of Health Care in Canada (Romanow Commission, 2002), and the National Inquiry into Missing and Murdered Indigenous Women and Girls (MMIW, 2016–2019). Rowell-Sirois changed inter-governmental fiscal relations in the country and led to federal jurisdiction over employment insurance; Gordon resulted in economic nationalist policies; Macdonald paved the way for the adoption of free trade agreements; RCAP led to recognition of the inherent right of Indigenous self-government and a higher profile for Indigenous issues; Romanow led to the creation of a ten-year federal–provincial health accord in 2004 and the creation of the Health Council of Canada (closed down by the government in 2014); and the MMIW is intended to result in significant changes to the justice system and lives of Indigenous peoples to reduce violence and its impact on Indigenous women.

The prime minister's appointment power is significant, encompassing the personnel of crucial institutions and agencies of the Canadian state. These include the following:

- Senate seats
- the governor general and all the provincial lieutenant-governors
- the justices of the Supreme Court of Canada
- the chief justices and associate chief justices of the superior courts of the provinces
- all of the deputy ministers in the Government of Canada
- most of the deputy minister equivalents in agencies, boards, and commissions at the federal level (See Chapter 15.)
- all ambassadors who represent the country abroad
- all appointees to international organizations, including the United Nations and the International Monetary Fund
- the head of the RCMP
- the governor of the Bank of Canada and its board
- several of the officers of Parliament

An additional aspect of prime ministerial power is that elected representatives do not carry out meaningful reviews of these appointments. In this respect, the Canadian system differs considerably from that of the United States. However, there can be subtle restraints on the power of appointment in practice as the Justin Trudeau government learned when it attempted to appoint former cabinet minister Stéphane Dion as ambassador to Germany and the European Union and was pressured by the EU to retain a separate ambassador. Although the Harper government established the Canadian Public Appointments Commission in 2006 to oversee various public sector appointments, with a secretariat to support it, the commission was never appointed, and the secretariat was finally disbanded in 2012. The Justin Trudeau government promised an open, merit-based appointment process and established committees to advise on Governor in Council appointments. However, this process has resulted in serious delays with appointments and hundreds going unfilled over two years after his government assumed office.

In many ways, the prime minister has power because he is a leader and has leadership qualities. Leadership power comes through the official roles that the prime minister is expected to play: symbolic leader, cabinet leader, parliamentary leader, and national leader. Beyond these roles, the prime minister is sometimes seen as the embodiment of the country, reflected in the utterances he or she is called upon to make in the appropriate context, like a natural disaster, the deaths of soldiers in conflicts abroad, or in international contexts. Indeed, like American presidents, prime ministers, along with their families, have in modern times been treated as celebrities by the media.

The job of leader of cabinet involves a number of tasks that enhance the authority of the first minister. The prime minister determines the agenda of cabinet meetings. The leader voices the consensus of cabinet, which can range from a true consensus to a consensus of one—the prime minister—in unusual cases. Of course, if this minority consensus style becomes the rule rather than the exception, cabinet discord can arise, but this style may often be necessary to move the cabinet along. Moreover, the prime minister is the only member of the cabinet who is focused on the overall direction of the government, whereas other ministers tend to develop what is called “portfolio loyalties,” which limit their ability to see more broadly. The prime minister also determines the way that cabinet business is handled, for example, whether or



Fred Chartrand/The CP Images

When Prime Minister Justin Trudeau announced the appointment of Stéphane Dion as next ambassador to Germany and the European Union, EU officials objected to the dual role. Trudeau later announced that the current Ambassador to the EU would remain and Dion would be German ambassador and a special envoy to the EU.

not cabinet committees will have effective sign-off on some policy matters. Another leadership power is to determine the relative balance between cabinet material generated by departmental staff on the one hand and central agencies (notably the Privy Council Office, which is under the direction of the prime minister, as discussed in Chapter 15) on the other. In the early days of cabinet operation, there was only a vertical orientation to policy advice, with departments as the main source of information to cabinet. In modern cabinets this vertical axis remains, but there is also a horizontal axis: the provision of policy and financial management counsel by central agencies and central departments (including the Department of Finance Canada and the Treasury Board Secretariat).

Parliamentary leadership is another in the list of seemingly endless aspects of power of the first minister. Prime ministers choose a special member of cabinet called the government House leader and therefore directly affect many aspects of parliamentary operations, as discussed in Chapter 14. The prime minister is usually the focus of the daily question period in the House of Commons and therefore is in a position to influence public opinion. (The timetable contrasts sharply with that of the UK prime minister, who appears for questions only once a week and for a mere half-hour.) As well, the prime minister, acting through the House leader and others, is able to allocate the time of Parliament to government bills, which typically take up a substantial majority of the time of the lower house.

Limits on the Prime Minister's Power

Although journalist Jeffrey Simpson (2001) once described Canada as a “friendly dictatorship” because of the great power of the prime minister, there are some limits to the power of those who hold this position. It is the nature of power to be met, ultimately, with power. In Canada, the federal system provides an important limit to what a prime minister can do. Federal politicians have to tread lightly when it comes to matters that fall within provincial jurisdiction, such as resource taxation, social programs, and education.

Public opinion can sometimes act as a potent counter to the prime minister. The Mulroney government shelved its plans for partial de-indexation of the old-age pension in 1984 after an old-age pensioner predicted it would be “Goodbye, Charlie Brown” to the prime minister in a TV scrum on Parliament Hill, stirring up public opinion (Savoie, 1999). Circumstances await an unwary prime minister; as former Prime Minister Harold Macmillan of Britain allegedly replied when asked what he thought was the greatest threat a statesperson might face, “Events, dear boy, events.” For example, Prime Minister Pearson faced a blizzard of scandals in his first term: individual cabinet ministers were accused of helping a notorious drug dealer escape from prison, buying furniture on favourable terms, and accepting a bribe. Prime Minister Paul Martin’s short term in office was disrupted by the “sponsorship scandal,” which involved government contracts that had been improperly awarded to advertising agencies that produced little or no work, with some of the money ending up as donations to Liberal party officials. A series of unexpected travel and housing scandals involving Harper appointees to the Senate damaged the prime minister’s political capital. Public criticism of Justin Trudeau’s family visits to the private island of the Aga Khan and to India had tarnished his political credibility by 2018.

Finally, cabinet and caucus can provide important limitations to prime ministerial power. Even with the support of the Privy Council Office and the Prime Minister’s Office, the prime minister necessarily relies on cabinet ministers for advice and caucus members for their support. Inevitably, the prime minister cannot know about and participate in all of the deliberations and decisions of modern governments or their impacts on communities. As noted above, prime ministers tend to focus their attention on selected important policy areas and on setting the overall direction and political

strategy of the government. For other matters, ministers, supported by the expertise of their department, usually wield considerable influence. Furthermore, the minister of finance, with responsibility for the budget, will typically have a strong impact on what the government can or cannot do. In addition, some cabinet ministers are powerful political figures in their own right because of their support within a particular region of the country or among powerful interests, or because of their following within the caucus or the party as a whole. For example, Paul Martin had considerable power through most of the years that Jean Chrétien was prime minister, not only because of Martin's position as finance minister but also because of his support within the Liberal caucus and party. Prime ministers realize that caucus revolts or dissension can undermine their public image.

Cabinet

The cabinet carries out a variety of legislative and executive functions. Cabinet introduces most of the legislation that Parliament deals with, not only because Canadians expect this but also because the government party arranges the timetable to accommodate this. By virtue of Section 54 of the Constitution Act, 1867, cabinet introduces all financial legislation, including ways and means bills, which affect taxation; appropriation bills, which authorize the withdrawal of funds from the Consolidated Revenue Fund; and borrowing authority bills, which seek authority to borrow money. It is therefore unconstitutional for the legislature to introduce financial measures as Congress, its counterpart in the United States, can do in the United States.⁸

Traditionally parliaments have recognized the limitations of their legislative role and have chosen to share this role with the executive. The executive is better placed to address the specifics of policy areas than is the legislature, and regular legislation involves an extensive planning cycle that is not always convenient, quick, and efficient. Parliament often delegates to the executive the power to pass secondary legislation and regulations to flesh out the details of primary legislation passed by Parliament. This power to pass **subordinate (delegated) legislation** is held either by the full cabinet (and expressed as being passed by the Governor in Council), by a minister of the Crown, or by an administrative agency vested with delegated legislative authority. It takes a variety of forms: orders-in-council, regulations, and other statutory instruments, such as rules, warrants, and proclamations. The reach of delegated legislation is extensive.

Subordinate (Delegated) Legislation

Authority for subordinate legislation that comes from a primary piece of legislation passed by Parliament and takes the form of orders-in-council or regulations made by a minister or agency.

Cabinet's Executive Functions

The cabinet is responsible for several executive functions. First, it plays a leadership role for the whole political system. Individual ministers have responsibility for the management and direction of their department. Second, the cabinet is expected to be the main source of policy generation in the political system. Third, it performs certain measures collectively in the name of the governor general and usually upon the initiative of the prime minister, as discussed earlier in this chapter. Finally, the cabinet, as a great crossroads of information and strategy setting, has to provide coordination for all the activities and decisions of government. This places a heavy burden on the prime minister.

Considerations in Cabinet Construction

The prime minister chooses cabinet ministers from among the governing party's members of Parliament. Almost all cabinet ministers are selected from the House of Commons. In the past, the leader of the government in the Senate was appointed to the cabinet in order to defend government policies in that chamber. Occasionally other

⁸ The Commons can affect expenditures by moving for the reduction (but not an increase) in a vote, but this is a rare occurrence.

senators have been appointed to the cabinet, particularly to provide representation for provinces that did not elect an MP from the governing party. Justin Trudeau's cabinet reflected a commitment not only to provincial representation but also to gender equality. (See Box 13-2: Justin Trudeau Appoints a Cabinet.)

In constructing the cabinet, the prime minister is aware of precedent. In particular, a very strong norm dictates that the prime minister should choose at least one minister from each province. Sometimes Prince Edward Island has had no cabinet representation, and Newfoundland and Labrador lost cabinet representation after the 2008 election. These exceptions aside, every province has been represented in every cabinet. Not surprisingly, the provinces with larger populations expect to have more representatives in the cabinet. In those provinces, there are expectations that certain regions (e.g., northern Ontario) and cities (particularly Toronto, Montreal, and Vancouver) be represented if at all possible.

Because governing parties have sometimes lacked elected representatives from certain provinces or regions, prime ministers have occasionally drawn cabinet ministers from the Senate to provide provincial representation. Prime Minister Pierre Trudeau chose senators from the Prairie provinces when very few Liberals were elected from that region; Joe Clark selected three senators from Quebec; and Stephen Harper appointed Michel Fortier to the Senate in his 2006 cabinet so that he could have representation from Montreal in his first cabinet. Reversing himself and past practice, however, he later downplayed the Senate–cabinet link. In July 2013, stung by the effect that Senate scandals were having on the government's popularity, Harper sought to distance himself from the institution by stating that the leader of the government in the Senate would no longer be a cabinet position.

Box 13-2 Justin Trudeau Appoints a Cabinet

During the 2015 election campaign, Justin Trudeau promised that 50 percent of his cabinet would be female. As well, he would have a smaller cabinet of around 25 ministers, in contrast to Stephen Harper's 39-member cabinet (Crawford, 2015, October 20). Trudeau lived up to his gender equality promise by appointing 15 women and 15 men to his cabinet. The cabinet also represented Canada's ethnic diversity to a considerable degree with, for example, four Sikh and two Indigenous members. Trudeau claimed that his cabinet "looks like Canada." In 2018, Trudeau increased cabinet to 35 members, with 18 men and 17 women.

Trudeau's 2015 cabinet reflected the long-standing practice that there would be at least one cabinet minister from each province. Unlike some prime ministers, Trudeau did not have to appoint senators to the cabinet to represent provinces that did not elect any governing party members, as the Liberals won seats in every province. (As well, Trudeau had removed all Liberal senators from the Liberal caucus.) Eleven cabinet ministers were chosen from Ontario (of whom seven were from the greater Toronto area), six (plus the prime minister) from Quebec, three from British Columbia, two from Alberta, two from Manitoba, one from each of the other provinces, and one from Nunavut. The majority of cabinet ministers were inexperienced in governing. Eighteen had never sat in the House of Commons and only six had previous experience as federal cabinet ministers

Change was also evident in the titles of the cabinet appointments. For example, instead of "environment minister," Catherine McKenna became "minister of the environment and climate change," thus signalling that the new government planned to make climate change an important priority. Likewise there were two ministers who had "science" in their title. In addition to being minister of inter-governmental affairs, Trudeau took on responsibility as minister of youth. The names of several departments were changed as well. For example, the Department of Foreign Affairs, Trade and Development became the Department of Global Affairs.

Although Trudeau claimed that he was instituting "government by cabinet" (rather than "prime ministerial government," a term that was used to describe the Harper government), he established nine cabinet committees and one subcommittee. Gender equality was not evident in the committees, as seven of the ten committees were chaired by men. Instead of the Planning and Priorities Committee that had been at the centre of cabinet decision making in previous governments, Trudeau appointed an Agenda and Results Committee (renamed Agenda, Results and Communications Committee in 2018) with himself as chair. In 2018, Trudeau reduced the number of committees to seven plus an ad hoc committee on the British Columbia wildfires to reflect the government priorities going into the 2019 election.

Historically, prime ministers also paid attention to ensuring that the cabinet had the appropriate proportion of Catholics and various Protestant denominations. While religion no longer appears to be a consideration in cabinet construction, language is of continuing importance. Prime ministers normally include an English-speaking minister from Quebec in their cabinet and, at least in modern times, a French-speaking minister from outside Quebec. In recent times, prime ministers have attempted to increase diversity in their ministries, with increased representation of women and ethnic and visible minorities.

There has also been a tendency to assign certain types of portfolios to ministers from certain regions. With some exceptions, fisheries and oceans is often headed by a minister from Atlantic Canada; public works and justice frequently go to Quebec; Ontario cabinet ministers are typically appointed to the finance and industry departments; and the West often gets agriculture and various other natural resources portfolios. Justin Trudeau's first cabinet only partly reflected this characteristic, particularly with the finance minister from Ontario.

Stages of Cabinet Development

Cabinet has taken several forms since Confederation. In analyzing the development of the cabinet, J. Stefan Dupré (1985) described three different models.

THE TRADITIONAL, DEPARTMENTALIZED, AND INSTITUTIONALIZED CABINETS The traditional cabinet (1867 to the 1920s) existed before the rise of the administrative state when government's role was modest. The federal cabinet was primarily a mechanism for federal-provincial adjustment, assembling and voicing regional concerns, and awarding patronage. The **departmentalized cabinet** (1920s to 1960s) arose when the administrative state began to grow and government departments and ministers directed public sector expansion. Ministers had decision-making autonomy and relied on departmental experts for policy formulation and implementation. "Portfolio loyalty"—or ministers' primary commitment to their departments—was a distinguishing characteristic of this period. The cabinet was simple in structure, had few standing committees, and displayed limited collegial or collective decision making over departmental matters. The prime minister was the dominant politician and accepted cabinet-making as his main task (Dunn, 1995).

From the 1960s to the 1990s, the **institutionalized cabinet** became the common pattern. This cabinet features "various combinations of formal committee structures, established central agencies and budgeting and management techniques [combined] ... to emphasize shared knowledge, collegial decision making, and the formulation of government-wide priorities and objectives" (Dupré, 1985, p. 4).

The institutionalized cabinet has a complex structure, many standing committees, and a significant degree of collective decision making in matters of departmental policy (Dunn, 1995). The prime minister becomes the designer of government. Both central departments and central agencies now exist. Central agencies (the Prime Minister's Office for partisan input and the Privy Council Office for non-partisan policy input) perform government-wide coordination, with the prime minister as responsible minister. Budgeting features wider aims than mere financial control, and planning is far more comprehensive. Cabinet receives policy advice from central agencies and central departments (particularly finance and the Treasury Board) rather than just from the responsible minister and deputy minister. Decision making is more centralized: cabinet makes a wider range of decisions, and central departments and central agencies monitor departments to a greater extent.

PRIME MINISTER-CENTRED CABINET Some writers have contended, implicitly or explicitly, that the days of the institutionalized cabinet have ended, replaced by a new pattern of a **prime minister-centred cabinet** (or prime ministerial government).

Departmentalized Cabinet

A form of cabinet organization that emphasizes ministerial autonomy and relies on the prime minister and full cabinet to achieve coordination.

Institutionalized Cabinet

A form of cabinet organization that emphasizes collective decision making and seeks to achieve it by a highly structured system of cabinet committees and central agencies.

Prime Minister-Centred Cabinet

A form of cabinet organization in which the first minister is so powerful that the nominal mechanisms for collective decision making, such as cabinet committees and central agencies, serve the prime minister's personal agenda.

Donald Savoie's *Governing from the Centre* (1999) argued that the cabinet decision-making process (i.e., the institutionalized cabinet process) now primarily "belonged" to the prime minister. Power had shifted from ministers and departments to the centre (cabinet and cabinet committees), and from the cabinet and cabinet ministers to the prime minister and central advisers. Central agencies had gone from facilitating the collective will of the cabinet to extending the prime minister's will. Whereas once there had been comprehensive policy agendas, now there were "bolts of electricity"—a few key personal objectives hand-picked by the prime minister and pressed into effect by trusted lieutenants. One set of rules applied to the prime minister, the finance minister, and the president of the Treasury Board, formerly the "guardians" of government finances, and another to the "spenders," or line departments (departments primarily concerned with providing services). The guardians' programs would pass approval with little difficulty. Line department ministers would go through the regular cabinet committee process, where their proposals seldom emerged unscathed, unlike those of the guardians.

The situation was worse nearly a decade later, Savoie reported. Cabinet government in both Canada and the United Kingdom has been steadily weakened and "all but destroyed" (Savoie, 2008, p. 229). A kind of (presumably medieval) "court government" reigned. "Individuals now rule, starting with the prime minister and his most trusted courtiers, carefully selected ministers, and senior civil servants, and they have more power in a court-style government than they do when formal policy and decision making processes tied to cabinet decision making are respected" (Savoie, 2008, p. 230). There is differentiation of status within cabinet. "Ministers now have to learn to work with the prime minister's court more than they have to learn to work with cabinet and cabinet colleagues" (Savoie, 2008, p. 238).

Recent literature by government insiders has tempered the characterization of cabinet governance as mainly prime minister-centred. In particular, David A. Good (2007) presents a more nuanced perception. He notes that the so-called spender-guardian dichotomy is outmoded, and that four sets of actors actually affect federal government spending. The first, spenders, are generally spending ministers (and occasionally the prime minister and finance minister); the second are guardians, the finance department and the Treasury Board; the third are priority setters, the prime minister, Prime Minister's Office, and Privy Council Office; and as for the fourth, watchdogs, the main one is the Office of the Auditor General (OAG). The Harper government created even more watchdogs—the parliamentary budget officer, the chief audit executive in each department, accounting officers in each department, an independent procurement officer, and a public sector integrity commissioner. However, the Justin Trudeau government has created Innovation and Impact (policy development and monitoring) units at the centre in the PCO and within departments to ensure departments act according to the government priorities, thus extending central control over departments again.

Despite their different interests, guardians and priority setters have combined to control the effects of spenders and watchdogs (Good, 2007). However, departments can indeed have some wins and convince the prime minister to adopt their concerns if they do their "homework," develop a clientele, think like guardians, and develop ties to key sectoral and regional ministers. Both Savoie and Good, however, agree that cabinet and its committees no longer affect budget priority setting, and that only a limited set of centrally determined priorities are created annually (Good, 2007). While the Trudeau policy development units do centralize power by focusing departments on centrally defined priorities, their reach is limited by the number of priorities that can be developed and monitored.

How the Cabinet Decision-Making Process Works

13.4 Examine how the cabinet decision-making process works for regular and budget policy.

Whatever debate surrounds changes in the policy process of the federal government, the outlines of the process itself have remained in place for decades, and most ministers must adhere to them. The decision process is organized around process and purpose. Broadly speaking, there are two processes: the cabinet decision-making process and the budget process.

The Cabinet Decision-Making Process

The cabinet decision-making process deals with policy making in the broad sense. It is about setting priorities, deciding modes of implementation, establishing expected results, and fine-tuning the aspects of policy, by regulation and related matters, that cannot be dealt with by legislatures themselves.

Two levels typify cabinet decision making: full cabinet and cabinet committees. The full cabinet deals with priority setting, approval of new programs and major expenditures, and sensitive political problems. It is the end of the line in the policy process. Cabinet makes choices that may have stumped lower levels, such as committees of cabinet or the bureaucracy. The prime minister, acting as the chair of cabinet, leads the process. It is the prime minister who determines the consensus of cabinet, a task that may occasionally amount to the first minister imposing the decision on the rest of the cabinet. The prime minister is, however, mindful of the nature of “political capital” or acceptable leeway, and tends to impose decisions only reluctantly, knowing that the essence of effective leadership is building teamwork.

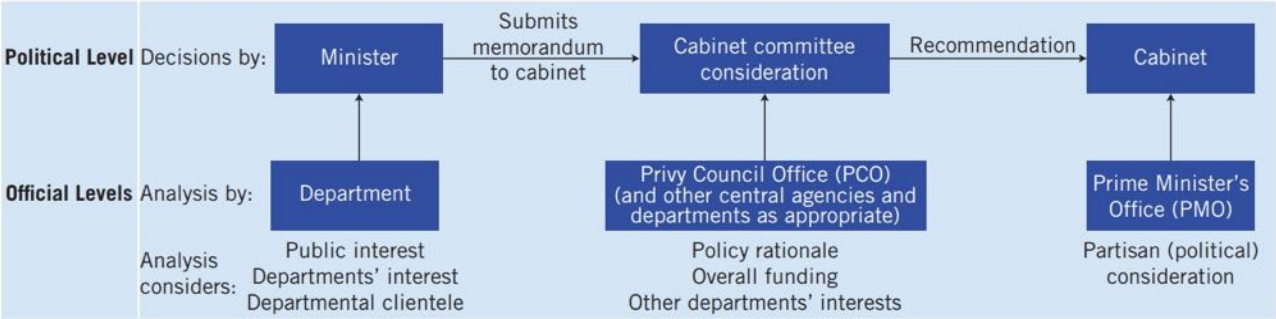
As in many other large organizations, work in the cabinet relies on the division of labour. Such division takes the form of creating cabinet committees and endowing them with specific tasks. Some tasks relate to policy and some to financial management. Policy matters are dealt with by policy committees of cabinet and financial matters by the Treasury Board of cabinet, a specialized committee with its own cabinet minister as head (president of the Treasury Board) and its own secretariat (department), which dates back to the founding of the country in 1867.

Cabinet receives three main types of policy submission: the memorandum to cabinet (MC), the Treasury Board submission, and the Governor in Council (GIC) submission. The first typically works its way through the cabinet committee system, whereas the Treasury Board handles Treasury Board and GIC submissions in a more abbreviated and less linear process. MCs are needed for a new program or policy direction, whereas the Treasury Board submission covers the subsequent parts of the policy process, including program design, program implementation, and program evaluation. GIC items deal with delegated legislation.

There is a standard process for the routing of memoranda to cabinet. Figure 13-1 shows the origins and outcomes of memoranda to cabinet.

Analysis by the Privy Council Office, a central agency, is meant to introduce a significant element of horizontality into the cabinet process. This means that the Privy Council Office ensures that other ministers, departments, and agencies that are affected by the department’s policy are consulted, that room is left in the agenda for the input of affected parties, and that the measure makes for good public policy. Of course, not only the cabinet and its committees are briefed, but also the prime minister,

Figure 13-1 The Routing of Memoranda to Cabinet



who orchestrates the policy process. As the minister responsible for both the Privy Council Office and the Prime Minister’s Office, the prime minister has the advantage of both policy and partisan political input.

Cabinet Committees

Cabinet Committees

Groups of cabinet ministers who examine policy proposals from related policy fields and recommend to the plenary (full) cabinet what action should be taken. Their recommendations generally are accepted.

Cabinet committees are relatively recent but important actors in the Ottawa policy scene. They were sparsely used before the 1960s for a number of reasons, one being a perception that collective responsibility would be weakened if cabinet decision making was subdivided. Another was that some prime ministers, such as Mackenzie King, felt that they could not adequately exercise power over other ministers if the ministers were out of sight of the prime minister. Others, like John Diefenbaker, the self-proclaimed outsider to the federal scene, distrusted their fellow ministers and felt more comfortable in a full cabinet situation. However, government was still relatively small and its business manageable by full cabinet.

Later on, committees became progressively more central to the cabinet decision-making process. Lester B. Pearson made use of cabinet committees, but they had modest mandates and could not make final decisions. Pierre Trudeau formalized the committee process and allowed committees to make more decisions by themselves. With the Policy and Expenditure Management System (PEMS), which spanned three prime ministers—Clark, Trudeau, and Mulroney (1979–1989)—committees began to make budgetary decisions to dovetail with their policy recommendations. This system ended with the 1980s. Yet, after this, it was still a cabinet committee—the Expenditure Review Committee chaired by Don Mazankowski—that made most of the important budgetary decisions. However, the Harper government eschewed cabinet committees as the operative mechanism in favour of a strategic and operating review led by the president of the Treasury Board and a specially constituted committee of the Treasury Board. Trudeau has returned power to the committees but chairs the powerful Agenda, Results and Communications committee and has included the finance minister and president of the Treasury Board on all committees. Generally, the committees make many final decisions in government but, in keeping with the convention of collective responsibility, ministers have a right—not often exercised—to challenge the committee recommendation before cabinet reaches its final decision.

One of the powers of the prime minister is to design the decision-making apparatus. In doing so, the prime minister personally assesses what will work most efficiently and what will most effectively use that rarest of things—ministerial time. The net effect is that the design of government at the centre changes from prime minister to prime minister. Some have numerous cabinet committees, others fewer; some have more ministers and portfolios, others fewer. As well, over time, the prime minister’s apparatus tends to become larger and more detailed. The Harper government, for example, had a ministry of 31 in 2006 (25 ministers and 6 ministers of state), but that grew to 38 in 2009 (27 ministers and 11 ministers of state) and 39 in 2011 (the same number of ministers

and ministers of state as 2009 but with an associate minister of defence added). It had seven cabinet committees in 2006, eight in 2009 (one added on Afghanistan), and seven in 2011 (plus one subcommittee). Before Harper, Prime Minister Martin had had a sizable cabinet at 39 ministers, including 8 ministers of state, and 9 cabinet committees. These both contrast significantly with the 4 cabinet committees Prime Minister Chrétien relied on for most of his tenure (although his initially small cabinet swelled to 28 ministers and 11 ministers of state). Prime Minister Justin Trudeau started with 30 ministers and 9 cabinet committees (plus 1 subcommittee) and as of late 2018 had a cabinet of 34 but only 7 cabinet committees and one ad hoc cabinet committee.

Yet, in some ways, the first ministers show consensus on the nature of the central executive. Since Chrétien, they have usually distinguished between the ministry—the collection of ministers who are sworn in as members of the Queen’s Privy Council for Canada—and the cabinet—those privy councillors who have received departmental portfolios or the equivalent. They have seen fit to distinguish between senior and junior ministers, with ministers of state forming the latter although Justin Trudeau’s cabinets did not make this distinction formally among ministers. The majority of prime ministers in the past half-century—excluding Chrétien but including Harper—have seen the need for a priorities and planning committee or equivalent. This amounts to a kind of “inner cabinet”—a group of the more influential ministers who set priorities for government and coordinate the work of the other committees. The prime minister chairs this important cabinet committee, which can be considered another basis of the prime minister’s power. Justin Trudeau’s Agenda, Results and Communications Committee has a similar function and significance as the former Priorities and Planning Committee.

The Budgetary Process

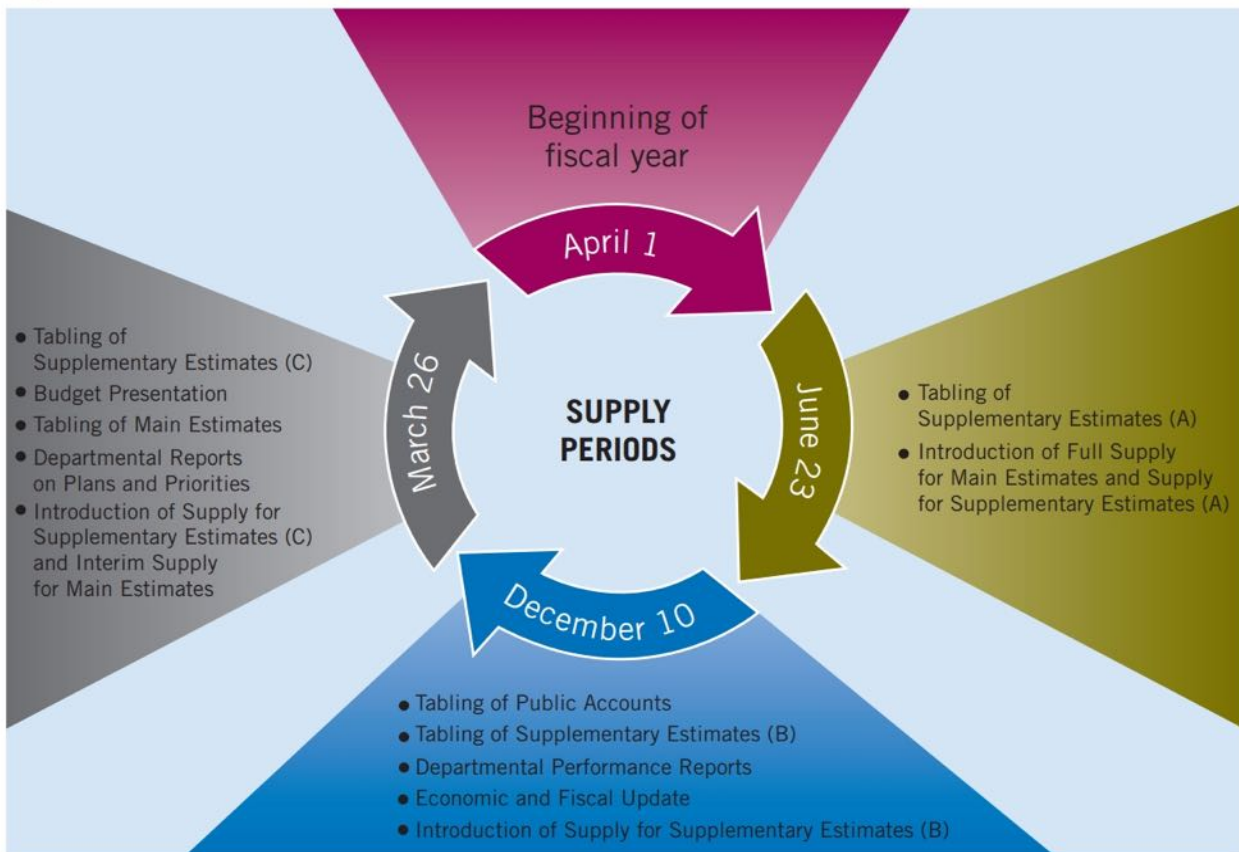
Each winter, the president of the Treasury Board tables in the House of Commons for the government’s Main Estimates. Parts I and II provide the government’s expenditure plan and detailed spending for the coming fiscal year. Part III of the Estimates, tabled in the fall, is composed of two parts: Canada’s performance and departmental performance reports (DPRs). Normally three supplementary estimates are tabled at various times of the year. The minister of finance presents the budget to Parliament normally in the first three months of the year. Timing of budgets can be changed under extraordinary circumstances; in January 2015 Finance Minister Joe Oliver announced that the federal budget would not be tabled before the end of the current fiscal year (March 31) due to “current market instability.” (It was presented on April 21.)

This crucial document outlines the government’s spending priorities for the coming year, and often beyond, and explains how the government will collect and spend the taxes of Canadians. The budget often contains new initiatives, such as the major expenditure cuts in the 2012 budget. These changes can affect the supplementary estimates. The budgeting process is outlined in Figure 13-2.

The minister of finance, the president of the Treasury Board, and the prime minister are the major players for most of the process, and the full cabinet is brought in only at the end of the budget cycle, shortly before the budget is presented. However, individual ministers are involved in presenting wish lists of new programs earlier in the process, and the cabinet will have made its general approach known in cabinet retreats that generally take place the summer before the process starts. The finance minister and prime minister make the final budget decisions before it is tabled in the House.

Reform and the Prime Minister and Cabinet

No political system is immutable. Changes can always be brought to the decision-making structure. Over time, reforms have been suggested and some achieved that would whittle away some of the prerogatives and powers of both the prime minister and cabinet.

Figure 13-2 The Budgetary Process

SOURCE: Based on Treasury Board of Canada. (2018). The reporting cycle for government expenditures. Retrieved from <https://www.canada.ca/en/treasury-board-secretariat/services/planned-government-spending/expenditure-management-system/reporting-cycle.html>

With regard to the prime minister, many ideas have been advanced. Aucoin, Smith, and Dinsdale (2004) analyze some in their report on responsible government in Canada. One idea is to lessen the prime minister's appointment power by reducing the number of appointments that the prime minister can make or by changing the appointment process; Trudeau has introduced independent committees to advise on appointments. Another is to enable the parliamentary party caucuses to remove party leaders, regardless of whether their party leader is currently the prime minister.⁹ Yet, another is to have members of the governing party's caucus select the members of the ministry. Other analysts have suggested that the way to control the overwhelming power of the prime minister and the cabinet is to put into statute what are now prerogative powers and to subject their decisions to democratic debate. This might include, for example, a law requiring that Parliament approve any foreign combat mission, a change introduced by Harper in practice. It would also be possible to put into statute the right of the ordinary public servant to resist political directives that are improper or indicate bad management practices (Savoie, 2008). As well, many of the standard reforms suggested by critics in the eras of constitutional and non-constitutional reform hold the possibility of reduced dominance by the central executive. These include the Senate reform, electoral system reform that would tilt the system toward more minority or coalition government scenarios, and provincial input into judicial appointments (Aucoin, Jarvis, & Turnbull, 2011).

⁹ The Reform Act passed in 2015 now provides a possible method by which a party caucus can choose to conduct a leadership review and appoint an interim leader.

Of course, the context is important. Canadians now live in a world where the reigning idea is not government as such but **governance** (the sharing by government of the process of governing with societal partners such as private sector organizations and non-governmental organizations). More and more, public, private, and non-governmental organizations (NGOs) are sharing power to effect change for public purposes. To some extent, the drifting away of the centralized power of the executive is a natural event and does not have to be planned. Cultural context is also important. A better-educated Canadian public is going to insist on more dialogue surrounding public policy to take place in more venues. Still, in times of crisis or economic instability, which require strong leadership, the Canadian variant of the Westminster model can deliver more effectively than countries with coalition governments or weaker centres.

Governance

The sharing by government of the process of governing with societal partners such as private sector organizations and non-governmental organizations; governing changes from the “command and control” model to the “partnership” model.

Summary and Conclusion

The executive is complex. It has a formal face, which is presented to us in the Constitution Act—that of the queen, governor general, and Queen’s Privy Council for Canada. It has its informal but powerful face—the prime minister, cabinet, and bureaucracy. The formal face carries with it the still-powerful elements of the distant past: prerogative and convention mark it even today and regulate its relations with the informal executive. Although issues arise from the formal side—the validity of monarchy in Canada and the pros and cons of having an elected head of state—by far the most pressing issues are in the political executive’s ballpark. Opinion is firmly divided on whether the prime minister now has too much power or if the centralization of power is inevitable in globalized era of social media.

The concentration of power in the hands of the prime minister and some influential advisers, particularly in the Privy Council Office and the Prime Minister’s Office, raises important questions about the quality of democracy in Canada. Nevertheless, cabinet and cabinet committees continue to be an important part of the policy-making process, while the finance minister and department play the key role in the budgetary process.

The House of Commons serves as both a support for the government and a check on the government by questioning ministers on government decisions and actions. While the ability of Parliament to investigate the actions of government remains limited and is weaker when there is a majority government, the creation of parliamentary officers such as the auditor general provides them with more information to do so. Ultimately, though, the choice of whether a government is responsive and accountable to the public needs will rest with the government’s leadership and the public view of that leadership.

In terms of representativeness, contemporary cabinets do not fully represent the diversity of Canadian society. Nevertheless, they are much more diverse than cabinets before 1957, which tended not to include women, ethnic or visible minorities, Indigenous people, or non-Christians. Only one woman, Kim Campbell, has held the office of prime minister; her prime ministership lasted for only a few months in 1993 before her Progressive Conservative party suffered a catastrophic election defeat. As well, with the exception of John Diefenbaker, all prime ministers have been of British or French ancestry.

Discussion Questions

1. Should Canada retain the monarchy?
2. Did the governor general make the right decision in proroguing Parliament in 2008?
3. Is the prime minister too powerful, or are the checks on the executive subtle but effective?
4. Should Prime Minister Trudeau follow the Harper government precedent of requiring parliamentary debate and approval of any missions committing Canadian armed forces to conflicts?
5. Is responsible government still important today?
6. Does a representative cabinet alter the definition of merit?

Further Readings

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Chapter 14

Parliament



The Centre Block of Parliament, with its Peace Tower soaring into the blue sky, is an iconic image for Canadians. Prime Minister Lester B. Pearson lit the Centennial Flame out front on December 31, 1966, to kick off Canada's centennial celebrations. The flame's bowl includes the shields of the provinces and territories to signify Canadian unity. During the 150th anniversary of Confederation, the coat of arms for the newest territory, Nunavut, was added



Learning Objectives

After reading this chapter, you should be able to

- 14.1** Describe the two strengths of the Westminster model of parliamentary government and the three general functions of parliaments.
- 14.2a** Describe the components and features of the Canadian Parliament.
- 14.2b** Describe key differences in the principle, purpose, and operation of Canada's Parliament and the United States Congress.
- 14.2c** Explain the origins and evolution of the Canadian Parliament from the British model.
- 14.3a** Describe the specific functions of the House of Commons.

- 14.3b** Explain the operation, purpose, and types of parliamentary committees.
- 14.3c** Assess the effectiveness of the House of Commons in performing its roles.
- 14.4a** Describe the specific functions of the Senate of Canada.
- 14.4b** Evaluate the implications of current and possible reforms to the Senate.

On October 2, 2014, a gunman fired three shots into the back of Corporal Nathan Cirillo of the Argyll and Sutherland Highlanders of Canada, who was standing guard at the National War Memorial in downtown Ottawa. Despite the efforts of those around him to save him, Corporal Cirillo died. The gunman then drove onto Parliament Hill and burst into the House of Commons, shooting one guard in the leg before running up the stairs, through the rotunda, and down the hall of honour, where the prime minister had been moments before. He ran past the rooms containing the prime minister and his party caucus and the leader of the opposition and his party caucus. As he ran, he ignored calls to drop his weapons and instead exchanged gunfire with the House of Commons Security Services, including Sergeant-at-Arms Kevin Vickers, a former Royal Canadian Mounted Police (RCMP) officer.

Near the Library of Parliament, the gunman took refuge behind a cement pillar, with Vickers on the other side. The gunman emerged when four RCMP officers, led by Constable Curtis Barrett, began walking toward him. When the gunman shot at the officers Vickers dove out and shot at him. Feeling the shockwave of the gunman's bullets going by and believing that their lives and safety of others, including the prime minister, were in jeopardy, Barrett and the officers fired on the gunman. Two additional RCMP officers also fired. These shots did not incapacitate the gunman. Barrett fired the final and fatal shot.

The gunman died with 31 gunshot wounds inflicted. He had killed Corporal Cirillo, wounded three other individuals during the attack, threatened others with the gun, and fired three volleys of shots in the House of Commons. Prior to the shooting, he had made a video declaring that his actions were in retaliation for Canada's military actions in Afghanistan and Iraq.

The shootings reverberated around the world and shocked Canadians. As expressions of sympathy and support poured in from world leaders, Canadians struggled to understand how such violence could occur at a national monument commemorating our veterans and then at the national legislature in a country constitutionally committed to "peace, order, and good government." Citizens had trouble fathoming how such tragedy could occur beneath the Peace Tower in the hallowed heart of our democracy, the Parliament of Canada. While Canadians value their freedom to question and criticize their government and elected representatives, they believe in the sanctity and importance of our political institutions.

Chapter Introduction

Parliament is the heart of democracy. Although Canadians are often critical and cynical about our elected representatives, most realize the importance of having an elected legislature that passes legislation and shines a light on the actions of government. Parliament is the window into government decision making that helps citizens decide if they will fire the government or give it another chance in the next election. But all too often, the nature and operations of the Canadian Parliament are not fully understood or appreciated by Canadians. This chapter helps to remedy that gap by discussing the important functions served by parliaments in a democracy and then looking at the composition, nature, and functioning of the Canadian Parliament. Given the central importance of the House of Commons in the Canadian Parliament, its operations, functions, and effectiveness are discussed in more depth than the Senate. However, the much-maligned Senate, why it is much-maligned, and possible reforms to it are discussed in the final section of the chapter.

The General Functions of Parliaments

14.1 Describe the two strengths of the Westminster model of parliamentary government and the three general functions of parliaments.

The Canadian model of parliamentary government is a variant of the Westminster model existing in Britain. The Westminster model of parliamentary democracy has two important advantages. First, it is predicated upon strong centralized power. As we saw in Chapter 13, the executive is intended to be able to act decisively and to execute its elected mandate. Second, the Westminster model is based on a clear division of responsibility between the government and opposition. The government is intended to govern, that is, to provide leadership through its governance and policy decisions and their implementation. The opposition is expected to hold the government to account by questioning its decisions, exposing its actions to the light of day, and scrutinizing its expenditures. Parliament is the institution where these roles come together. The government submits its policy and spending decisions to the House of Commons in the form of bills and expects its party members to support them. The opposition demands that the government justify its proposals as well as the current actions of the public sector in implementing policy decisions. While the model does not always deliver on these two core strengths, they are important to bear in mind when considering any reforms to the Canadian system of parliamentary government.

As the opening vignette demonstrated, the importance of a parliament in a democracy extends beyond these two core governance roles. The functions of parliaments may be divided into three categories with important sub-categories:

Policy-making activities

- Members of a parliament support the government and its law-making activities.
- They also perform a surveillance function by scrutinizing the decisions and actions of government and, more generally, by holding the government accountable to the public.

Representational activities

- Members of Parliament perform a representational role by voicing the concerns and promoting the interests of their constituents. Members of government make decisions on the behalf of all Canadians.
- The House of Commons performs an electoral conversion role by converting the results of elections into decisions about which party governs, which ones become opposition parties, and who leads each of these entities in governing the nation.

System maintenance activities

- Elected representatives are recruited from the public and then trained and socialized through various roles in the law-making process; they may go on to other positions in the political system.
- The prime minister chooses the cabinet from among the governing party's members of Parliament (almost all from the House of Commons).¹
- The opposition in the House of Commons provides the public with an alternative to the current government.

¹ Very occasionally, a Canadian prime minister has chosen a cabinet minister who does not hold a seat in Parliament, but this has been quickly followed by the person being elected to the Commons or appointed to the Senate. The appointment of Judy Manning to the Newfoundland cabinet in 2014 without seeking to be elected in a by-election received considerable criticism.

- Elected representatives engage in conflict management by providing a forum where solutions to crises and disputes may be debated and social divisions may be articulated and mediated.
- Parliament confers legitimacy upon government. This occurs in a manifest way when the legislature meets to debate and vote on legislative proposals and government actions. The lengthy debates, votes, and rituals of Parliament seem quaint unless this function is understood, whether it is performed by examining legislation or spending or by debating government decisions on military actions or crises like the financial crisis of 2008. Parliamentary debate legitimates government behaviour and actions by rendering them more transparent and accountable. Legitimation also occurs in a latent manner when the legislature meets to perform its regular law-making activities. This provides specific support to particular outputs of government but also more diffuse support to government, and this generates trust or positive feelings toward government.
- Parliament performs a public education function by raising and debating issues through a Question Period, committee hearings and reports, and budget debates. This influences public expectations of how government should operate and fosters support for political institutions by building public confidence and support.

In sum, Parliament (www.parl.gc.ca/parlinfo) provides a public window on how government works and how it should work, and builds public confidence in the process, provided it performs these functions well. We now turn to how Parliament is organized and operating in Canada.

The Canadian Parliament

14.2a Describe the components and features of the Canadian Parliament.

14.2b Describe key differences in the principle, purpose, and operation of Canada's Parliament and the United States Congress.

14.2c Explain the origins and evolution of the Canadian Parliament from the British model.

Canada's Parliament comprises three elements: the Crown (queen), the Senate, and the House of Commons. The citizens of each electoral district in Canada elect the members of the House of Commons (often referred to as members of Parliament, or MPs). In contrast, senators are appointed on the recommendation of the prime minister and hold office until their retirement at age 75. The governor general (representing the queen) follows the advice of the prime minister and cabinet in granting royal assent to legislation passed by Parliament. The governor general is expected to be non-partisan and remain aloof from politics and does not participate in the deliberations of the two houses of Parliament. However, the governor general does retain the power to advise, encourage, and warn the prime minister and cabinet. Parliament is sovereign within its jurisdiction, just as provincial legislatures are sovereign within provincial jurisdiction, but now all must comply with the Canadian Charter of Rights and Freedoms.

Parliament is a **bicameral legislature**. That is, it has two chambers, each of which meets separately.² Both the House of Commons and the Senate must adopt legislation

Bicameral Legislature

A legislature with two chambers or houses.

² Although some provinces once had bicameral legislatures, all provincial legislatures are now unicameral.

in identical form before it can be submitted to the governor general for royal assent. Each chamber has the authority to initiate most legislation; however, financial legislation must be introduced by the government in the House of Commons, making it the chamber that holds the government to account.

British Roots

The preamble to the Constitution Act, 1867, states that Canada has “a Constitution similar in Principle to that of the United Kingdom,” which means that Canada adopted the rich tradition of parliamentary government in Britain and the practices that had developed to reconcile an elected legislature with a monarchy. The particular features of this system that Canada adopted include the following (adapted and expanded from O’Brien & Bosc, 2009):

- The Crown, upper (Senate) and lower (Commons) houses;
- The practice that all legislation would need the consent of the three components of parliament to become effective;
- Elected representatives are selected through a single-member plurality (SMP) system, in which one member is chosen to represent each electoral district (representative government);
- Elected representatives tend to belong to parties, and it is through the parties that the leaders are chosen, including the leader of the party with the largest support and who the governor general asks to form government;
- The party or parties not forming government become the opposition, with the largest one becoming the official opposition;
- Executive powers are formally vested in the Crown but exercised on the Crown’s behalf by the prime minister and cabinet, who are drawn mainly from the House of Commons;
- Expenditures made on behalf of the Crown are subject to the approval of the lower (commons or people’s) house (confidence convention);
- The prime minister and cabinet are responsible to the House of Commons and must answer to it for any actions and decisions they take;
- The prime minister and cabinet must have the support of the majority of the members of the House to remain in office (confidence convention);
- The rights and freedoms enshrined and protected by the Magna Carta are adopted and protected in Canada, including the rights to criticize government; freedom of expression, thought, conscience, and assembly; and others vital to democratic government.

Key differences exist in the operation of the two systems of parliamentary government and from the other variants in the Commonwealth³ as they have developed. However, they all hold to the traditions of representative, responsible governments. More variation exists between parliamentary democracies and congressional, republican governments like the American one, which the Canadian founders intentionally rejected. (See Box 14-1: Canadian and American Legislatures: Dispelling Common Misperceptions.)

³ The Commonwealth refers to an inter-governmental organization of over 50 countries that were British territories (most) or associated with Britain historically.

Box 14-1 Canadian and American Legislatures: Dispelling Common Misperceptions⁴

Canadians are sometimes baffled by the workings of Parliament because so much of our news and popular entertainment highlights the U.S. Congress. Because the two systems are bicameral and choose representatives for the lower houses using SMP systems, Canadians often assume that their system functions like Congress and are surprised when it does not. However, the two systems differ in fundamental principles as well as operation (Stewart, 1977).

The House of Commons is not a congress. The principle of responsible government evolved out the British tradition. Originally the monarch governed and made statutes, but as the system evolved advisers were drawn from the parliament and made responsible through it to the people. As a result of this development, the legal (Crown) and political (advisers) elements of the constitution are bound together in the House by having the legal head follow the advice of the political leaders. Sovereignty flows from the Crown down to the people.

In contrast, a congressional system is based on the principle that the body that represents the people is legally the government. There is no separate head of state like the Crown in Canada because representatives elected by the people are the governors. To prevent tyranny of the elected, the U.S. founders incorporated the idea of inalienable rights—that some rights are so fundamental that they cannot be exercised by government but are retained by the people. Thus, sovereignty flows from the people to the government. This is captured in the phrase “government by the people.” The congressional principle is also tempered by the separate election of the president, the separation between the houses of Congress and their composition, and the active role of the judiciary in reviewing government actions.

These different foundations lead to key differences in practice:

Bills: In Congress, all members participate in making laws by introducing, refining, and passing bills. In Parliament, Cabinet ministers introduce almost all bills in a highly developed state and few changes are made in the House or committees. Members of Parliament review bills for errors or omissions and thus do not require the larger staffs of an ordinary member of Congress.

Money: All members of Congress participate in the preparation of the budget and expenditures of the government. In Canada, money bills are introduced into the House by cabinet ministers, and the House can only ap-

prove or restrict, not increase, the amounts in the proposed money bills.

House business: In Congress there is no distinction between government and private members’ business, so all bills are treated initially as equal. Committees must sort through, eliminate, improve, and amend bills. In Parliament, government sets priorities for the most part, and committees are less important with less work. In a typical two-year sitting, Congress may have as many as 10 000 bills introduced, with about 85 percent killed in committee and 7 percent making it through, whereas in Canada about 60 percent to 70 percent of government bills are passed in Parliament, depending on the length of sittings (Brodie, 2018). In the past 10 years, dozens of private members’ bills have passed, but they remain a relatively small portion of parliamentary business.

Operations: Members of Congress are not subject to the conventions of party discipline because the government is not dependent upon maintaining support in the House. Members may wheel and deal in making legislation, trading their support for a bill in exchange for a concession that they want for their party or electoral district. This is known as “logrolling.” In Parliament, the role of individuals is much smaller, with party discipline ensuring that members support their party position. As a result, parliamentarians are less subject to influence or lobbying by outside interests. The modern version of the term “lobbying” derived from the U.S. practice of interest groups influencing Congress members in the lobby of Congress in the 1950s!

Institutions: In the congressional system, both elected houses, the Senate and House of Representatives, are important in law making. Because the U.S. Senate has the power to review executive appointments and treaties, and is smaller with longer terms, it is perceived as the more powerful body, even though money bills are written in the House. In Canada, the joint facts that the Senate is appointed not elected and that money bills must be introduced in the House and are confidence measures, mean that the Senate is perceived as less important and normally bows to the will of the House.

The two systems vary greatly in principle, purpose, and operation. Adopting reforms from one system for the other must be done carefully and with much thought about the ancillary consequences as a result.

⁴ This box and chapter were influenced by the oral teachings of William Coleman and Michael Atkinson.

The Evolution of Parliament in Canada

Although created by the Constitution Act, 1867, Canada's parliamentary institutions were not new. In 1840, the Act of Union established an elected Legislative Assembly for the United Province of Canada, but the increase in parliamentary influence did not come until 1848, after the adoption of the system of responsible government. At least nine ministries (governments) after 1848 had to resign, advise dissolution, or change their leadership and other personnel when they faced the possible loss of support of the Assembly. No ministry in the Province of Canada survived for what would now be called the government's normal life. Despite the existence of some firm factions and nascent party alignments, the ministries were overwhelmed by the more politically fickle "loose fish" and "ministerialists," who were faithful only to whichever government could supply them and their ridings with favours.

This pattern continued for about a decade in the new country of Canada, at which time the growth of disciplined parliamentary parties began to change the political dynamics considerably. Gradually parliamentary involvement in active law making became more restricted: the government introduced legislation and the opposition demanded answers from the government. This change provided for more stable governments but also allowed significant time for the opposition to criticize the government. Over the post-Confederation history of Parliament, only one government (that of Mackenzie King in 1926) has changed hands without an election held.

The House of Commons

- 14.3a** Describe the specific functions of the House of Commons.
- 14.3b** Explain the operation, purpose, and types of parliamentary committees.
- 14.3c** Assess the effectiveness of the House of Commons in performing its roles.



Chris Wattie/Reuters/Newscom

Following tradition, the party leaders drag newly elected House of Commons Speaker Gerald Regan to the speaker's chair. He feigns resistance, as the speaker is expected to do.

Although the House of Commons is often termed the “lower house” and the Senate the “upper house,” the House of Commons is considered the more important of the two houses:

Confidence Chamber

A legislative body (in Canada, the House of Commons) whose continued majority support is necessary for the government to remain in office.

- The House of Commons is a **confidence chamber**, meaning that the life of the government rests on the continued support of a majority of the members of the Commons. Defeat of government measures in the Senate is of no consequence for the government’s continuance.
- The Commons, whose members are elected, offers representative government. Citizens choose these individuals in free and fair elections to make decisions on their behalf.
- It is primarily the House that holds the government accountable for its actions. The prime minister and cabinet ministers hold seats in the Commons in order to answer questions and respond to the criticism of the opposition parties members who scrutinize government management and expenditures.
- The House is where members can present citizens’ grievances and problems to the government and flag them for the media and public.

Representation in the House of Commons

The composition of the House of Commons is based upon the concept of representation by population. Each province is entitled to a share of the seats in the House of Commons that is nearly proportionate to its share of the population. As discussed in Chapter 9, there are some qualifications to this principle, mainly to ensure fair representation of the smaller provinces. Given their larger populations, the central Canadian provinces dominate numerically. After the 2015 election, Ontario and Quebec together, with 62 percent of the population of Canada, comprise 58.9 percent of the Commons membership, with the more populous Ontario amounting to 35.8 percent of the Commons. Although representation by population is a key democratic principle, it means that the regional diversity of Canada is not fully reflected in the House of Commons, given the small number of members from some areas of the country.

In 2011, Parliament passed legislation with a new formula for calculating the number of seats in the House of Commons according to population. The intention was to ensure that Ontario, British Columbia, and Alberta would be fairly represented, given their growing populations. The formula is also intended to ensure that the smallest provinces and Quebec would not be under-represented if their proportion of the Canadian population dropped (Bosc & Gagnon, 2017). The new formula went into effect for the 2015 election and raised the number of seats in the House of Commons from 308 to 338. Table 14-1 shows the current number of members of Parliament and Senators and the 2016 populations of each province in Canada.

Styles of Representation

Individual members of the House of Commons spend considerable time putting forward the interests of the people of their electoral district. Opposition members, in particular, may raise concerns of their constituents in Question Period or in private members’ bills (Soroka, Penner, & Blidook, 2009). As well, MPs and their small staffs try to help constituents with the problems they face with government—such as getting a passport in a hurry, determining eligibility for an old-age pension, or helping family members immigrate to Canada. This role is often overlooked and yet vital to the good functioning of government and its democratic legitimacy.

Table 14-1 Members of House of Commons and Senators by Province as of 2015

Jurisdiction	MPs	Senators	Population 2016 Census
British Columbia	42	6	4 648 055
Alberta	34	6	4 067 175
Saskatchewan	14	6	1 098 352
Manitoba	14	6	1 278 365
Ontario	121	24	13 448 494
Quebec	78	24	8 164 361
New Brunswick	10	10	747 101
Nova Scotia	11	10	923 598
Prince Edward Island	4	4	142 907
Newfoundland and Labrador	7	6	519 716
Yukon	1	1	35 874
Northwest Territories	1	1	41 786
Nunavut	1	1	35 944
Canada	338	105	35 151 728

In the closed-door meetings of their party's **caucus**, MPs may alert their colleagues to the interests and viewpoints of people in their district and try to persuade their caucus to adopt certain policies and positions. To achieve this objective, they may meet regularly with other members of their own party from their province or with their party's members who have similar interests to make a stronger case. Caucus is an important venue for vetting legislation. While Cabinet ministers will present legislation that is ready to be introduced in parliament in a well-prepared form, they know that having the support of their colleagues is important in maintaining their own credibility with the prime minister. They often listen to caucus colleagues when ideas are first raised and then later to know where the legislation is likely to encounter opposition. Caucus provides a window into the public mind.

Caucus

Parliamentary members who belong to a particular party.

Party Discipline

Party discipline is usually very strict in the House of Commons. Once a party has decided on its position on a particular issue, its MPs are expected to vote in keeping with that position even if it clashes with the views and interests of their constituents. MPs will have had a chance to air their concerns in caucus, but then as representatives in a national parliament they are expected to reconcile those positions with the broader national interests as defined by the party. Therefore, all of the members of the governing party have almost always supported legislation proposed by the cabinet. Those who vote against government legislation that is considered a matter of confidence may find themselves ousted from their party's caucus and denied their party's nomination for the next election. Breaking party discipline can also have similar consequences for members of the opposition parties. With the exception of designated "free votes" (where MPs are freed from party discipline) that have been held infrequently on matters of conscience, such as abortion and capital punishment, MPs rarely vote against the position taken by their party caucus. It is also increasingly rare for members of different parties from the same province or region to work together to advance the common interests of constituents that they represent.

Party Discipline

The expectation that parliamentary members will vote in keeping with the position that their party has adopted in caucus.

The 2015 election platform of the Liberal Party promised to “make free votes in the House of Commons standard practice. For members of the Liberal Caucus, all votes will be free votes with the exception of: those that implement the Liberal electoral platform; traditional confidence matters, like the budget; and those that address our shared values and the protections guaranteed by the Charter of Rights and Freedoms” (Liberal Party of Canada, 2015). By late 2018, the Liberal government had declared only one vote on a major piece of legislation a free vote, the vote on medical assistance in dying.

Although the individual MP is not irrelevant, representation is primarily by political parties rather than by individuals acting as delegates (represent unmediated wishes of constituents) or trustees (exercising their own judgment of what is best) of their constituents. (See Docherty, 2005; Eulau, 1978.) Not surprisingly, this can create problems for MPs, who may be accused of acting against the interests or wishes of their constituents despite speaking for their constituents in caucus or to ministers directly. However, party discipline does have advantages: the positions of each party are clearer, individual MPs are not pressured to act according to the wishes of powerful special interests, and each national party can try to balance differing perspectives by developing positions on what it views as being in the interests of the country as a whole.

Diversity and Representation

Representation can also be viewed in terms of the personal characteristics of the members of the House of Commons. Traditionally, the House has been criticized as not reflecting the diversity of Canada. According to Michael Adams and Andrew Griffith (2016), in the current, and like the previous, Parliament, approximately 13 percent of members of the House are foreign-born, which is still under their percentage of the Canadian population as represented in the 2011 National Household Survey (21 percent). Visible minorities are almost at parity when their representation in the House of Commons and in the citizen population are compared. However, Southeast Asian, Latin American, Black and Chinese Canadians are underrepresented compared with their percentage of the population, while Arab, South-Asian and West-Asian Canadians are overrepresented in relation to the population percentage (Adams & Griffith, 2016). The percentage of women inched upward to about 25 percent, much lower than their approximately 51 percent share of the population. Indigenous peoples are approximately 4 percent of the Canadian population and had 3 percent of the seats after the 2015 election, up from 2.2 percent after the 2011 election (Adams & Griffith, 2016). The raw numbers of these groups seem to suggest that the current Parliament is more diverse until the increase in seats from 308 to 338 is considered. The percentages tell a different story: 2015 is not significantly different from 2011.

Members also tend to be highly educated (76 percent), professional/business in occupation (70 percent), and married (63 percent), with working class and single people with no post-secondary education being under-represented (Rana, 2016). While the Canadian House of Commons is faring much better in terms of representing the diverse face of society than its American and Australian counterparts, more work needs to be done here if Parliament is to reflect the diverse nature of Canada in its composition.

Minority and Majority Government

One of the main strengths of the Westminster model of parliamentary government is strong centralized decision making. This is particularly true when one party holds a majority of seats in the House of Commons—that is, a majority government. By imposing party discipline on its members, the prime minister and cabinet can

be almost certain that the House will pass the legislation and financial measures they propose. In addition, the government does not have to worry about losing the confidence of the House and thus can govern for a full four-year term without an election.

If the governing party does not hold a majority of seats in the House and forms a minority government, the ability of the prime minister and cabinet to dominate Parliament is more limited. In this case, the prime minister normally has to bargain and negotiate with one (or more) of the other parties in the House for support or risk losing power on a vote of non-confidence. (See Box 14-2: A Minority Government Hangs in the Balance.) Alternatively, the cabinet could introduce proposals that opposition parties are unwilling to defeat. If opposition parties are reluctant to force an election, the cabinet may be able to pass its key proposals with one or more opposition parties abstaining from those votes, as occurred during the Harper Conservative minority governments.

There is division among political scientists with regard to governmental and parliamentary performance under conditions of minority (and coalition) government. Some tend to see them as unwelcome aberrations in governance and welcome their demise. A leading authority on Parliament, C.E.S. Franks (1987) noted that majority governments tended to be more efficient and that minority governments tended to compromise the core principles of responsibility and accountability. There is also the argument that minority governments are not appropriate instruments to deal with the complexities of governance in the twenty-first century. Decisive action rather than delay is necessary in the face of economic recession, military missions, and diplomatic initiatives. There is also the danger that minority governments may be forced into compromises with the third parties that force public expenditures to increase unduly. Others argue that they tend to be unstable and may encourage indecision and endless compromises. Finally, the sense of citizen efficacy may decline, with politicians listening more to each other than to the public, and the public not knowing who to hold accountable for what decision.

Box 14-2 A Minority Government Hangs in the Balance

It was the afternoon of Thursday, May 19, 2005, and the atmosphere in the House of Commons was electric. The fate of the minority government of Paul Martin, in office only a year, hung in the balance.

To prevent being defeated on its budget, the Liberal government had agreed to a demand by the New Democratic Party (NDP) for an amendment that added an additional \$4.6 billion in the budget for social programs. Even with the support of the New Democratic Party, the Liberals needed additional votes to stave off defeat by the combined forces of the Conservative party and the Bloc Québécois.

Conservative star Belinda Stronach had recently crossed the floor of the House to join the Liberals and was rewarded with a cabinet position. Independent MP Carolyn Parrish (who had been expelled from the Liberal caucus after a TV appearance in which she stomped on a doll representing American President George W. Bush) decided to support the Liberals. Independent MP David Kilgour opted to vote with the Liberals. With the government still having one vote fewer than those determined to bring it down,

attention became focused on another independent MP, Chuck Cadman.

Cadman was first elected as a Reform Party MP in 1987 and represented Surrey North (B.C.) as an independent after losing the Conservative party nomination in 2004. The independent MP, whose decision could topple the government, did not make up his mind until half an hour before the vote. Cadman, who was terminally ill, literally raised himself from his sickbed to attend the critical vote. Suffering was etched in Cadman's face as he voted for the amendment. He said the deciding factor was a poll he had taken in his district, where a sizable majority made it clear that they did not want an election. His vote created a tie: 152 to 152. Citing precedent, House Speaker Peter Milliken voted for the status quo, which kept the government in office.

The minority government of Paul Martin survived for another eight months. Then the New Democratic Party, influenced by the intensifying Liberal sponsorship scandal, decided to vote with the Conservatives and the Bloc to defeat the government and force an election, which resulted in a Conservative minority government.

In recent decades, Canadians have learned to live with minority governments and often find value in them. As Table 14-2 demonstrates, there have been nine minority governments since the mid-1950s, and some of them have been of long duration. Political science Professor Peter Russell (2008) argues that minority governments mitigate the increasing propensity in our system toward executive dominance, and especially “prime ministerial government.” However, Loat and MacMillan (2014) counter that interviews with MPs in the Harper minorities reveal that his tendencies toward autocratic action were not tempered in those situations. Table 14-2 clearly shows that minority governments are not necessarily unstable, as more than half of the minority governments since 1921 have lasted more than 150 sitting days, and of these, six lasted more than 250. (Sitting days are not always the same as calendar days.) Further, reforms that have been adopted, such as fixed election dates, or that have been proposed, such

Table 14-2 Federal Minority Governments in Canada, 1921–2018

Ministry	General Election	Term of Parliament	House of Commons Sitting Days	Minority*
William Lyon Mackenzie King	June 12, 1921	March 8, 1922, to June 27, 1925	366	Government—116 Opposition—119 Minority—3
William Lyon Mackenzie King (to June 28, 1926) Arthur Meighen (June 29, 1926 to September 24, 1926)	October 29, 1925	January 7, 1926, to July 2, 1926	111 (Meighen met the House for three of those days)	Government—99 Opposition—146 Minority—47
John George Diefenbaker	June 10, 1957	October 14, 1957, to February 1, 1958	78	Government—112 Opposition—153 Minority—41
John George Diefenbaker	June 18, 1962	September 27, 1962, to February 6, 1963	72	Government—116 Opposition—149 Minority—33
Lester Bowles Pearson	April 8, 1963	May 16, 1963, to September 8, 1965	418	Government—129 Opposition—136 Minority—7
Lester Bowles Pearson	November 8, 1965	January 18, 1966, to April 23, 1968	405	Government—131 Opposition—134 Minority—3
Pierre Elliott Trudeau	October 30, 1972	January 4, 1973, to May 9, 1974	256	Government—109 Opposition—155 Minority—46
Charles Joseph (Joe) Clark	May 22, 1979	October 9, 1979, to December 14, 1979	49	Government—136 Opposition—146 Minority—10
Paul Martin	June 28, 2004	October 4, 2004, to November 29, 2005	160	Government—135 Opposition—173 Minority—38
Stephen Harper	January 23, 2006	April 3, 2006, to September 7, 2008	292	Government—124 Opposition—184 Minority—60
Stephen Harper	October 14, 2008	October 29, 2008, to March 26, 2011	262	Government—143 Opposition—165 Minority—22

*As at the general election.

SOURCE: Based on O’Neal, B., & Bédard, M. (2011, April 11). *Government of Canada’s 41st Parliament: Questions and answers*. Parliamentary information and research service, Library of Parliament. Table prepared by the authors using data from *Sitting Days of the House of Commons by Calendar Year: 1968 to Date*, Parliament of Canada.

as written agreements among coalitions in minority parliaments, could lessen instability. However, such reforms would need to be assessed for their effects on the confidence convention and accountability to the citizens.

The Officers of the House of Commons

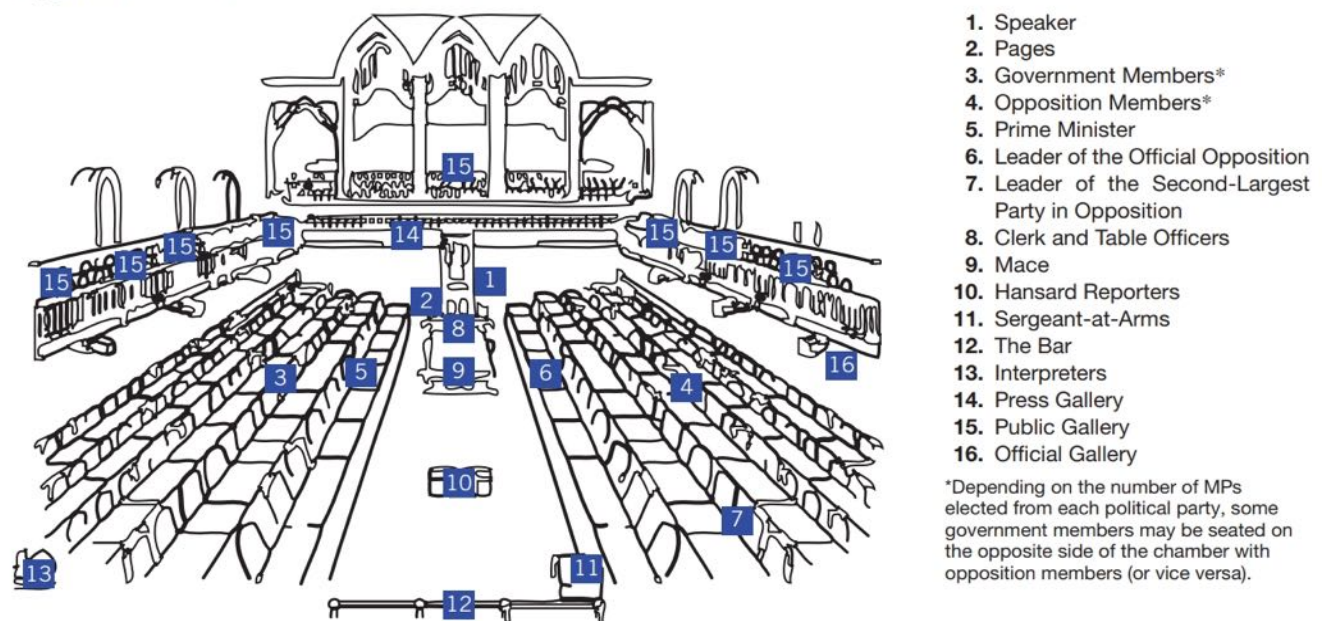
A variety of members and officials keep the House of Commons working. (See Figure 14-1.) The **speaker** acts as the presiding officer for the Commons, which means applying the rules and procedures developed by the chamber itself. The speaker ensures that parliamentary privilege is respected, that the rights and prerogatives of both the majority and the minority are recognized and upheld, and that order in debate is maintained. Impartial in the exercise of his duties, the speaker casts the deciding vote in the case of ties in the House, normally to preserve the status quo. (See Box 14-2.) The clerk of the House of Commons, a permanent official, looks after the day-to-day administration of the House and advises the speaker in his responsibility for overseeing the administration of the House of Commons. The Board of Internal Economy, which approves the expenditures of the House, is chaired by the speaker. Outside of the House, the speaker is fifth in the order of precedent of Canada after the governor general, prime minister, chief justice of the Supreme Court, and Senate speaker, and thus required to attend state functions. Outside of Canada, the speaker is expected to represent Canada at meetings of the speakers from Commonwealth and G8 countries.

To perform these duties, the speaker must have the respect of all parties in the House of Commons. The method of choosing the speaker has evolved to reflect this reality. In the past, the prime minister chose this key parliamentary presiding officer, usually from the governing party and alternating between English- and French-speaking speakers. Since 1986, however, the speaker has been chosen by a

Speaker

The presiding officer of the House of Commons, who is responsible for applying the rules and procedures, maintaining order in debate, and overseeing the administration of the Commons.

Figure 14-1 The House of Commons



SOURCE: *Report to Canadians*, 2008. Retrieved from http://www.parl.gc.ca/About/House/ReportToCanadians/2008/rtc2008_3e.html. House of Commons, 2008. Reproduced with the permission of the House of Commons.

Leader of Her Majesty's Loyal Opposition

The person who usually leads the second-largest party in the House and who would normally be considered the most likely to be prime minister in the event of a change in government.

House Leaders

Members of each party who are responsible for their party's strategy in the House of Commons, including negotiating the parliamentary timetable with other House leaders.

Party Whips

Members of each party who are caucus coordinators by maintaining party discipline, ensuring members attend for votes, and advising members on their duties.

secret ballot of the members of the House of Commons. Peter Milliken, Liberal MP for Kingston and the Islands, was elected speaker four times during both Liberal and Conservative governments. Upon Milliken's retirement in 2011, Conservative MP Andrew Scheer became the new speaker, chosen from a field of eight after six rounds of voting by members in the 41st Parliament. In 2015, Liberal Geoff Regan was elected speaker by a preferential ballot. The difficult nature of this position is reflected in the ritual of the person who is named speaker feigning reluctance to accept the position and the party leaders dragging the individual to the speaker's chair—always a moment of levity in the House.

The **leader of Her Majesty's Loyal Opposition** is more than a consolation prize—it is a key position in Canada's parliamentary system. This is usually the person who leads the second-largest party in the House and who would normally be considered the most likely to be prime minister in the event of a change in government. Thus, it is the duty of the leader of the opposition to be familiar with the actions and policies of the government, to appoint opposition party members as critics to "shadow" all government portfolios (sometimes referred to as the "shadow cabinet"), and to go about preparing an alternative program by which to govern. The leaders of the other opposition parties also appoint their members as critics to scrutinize the activities of particular ministers and their departments and to develop their party's policy positions.

The **House leaders** are members of each party in the Commons who the prime minister or party leaders choose as the chief strategists for their party. This involves ensuring that the party message is clearly conveyed by members in the House and in committees and negotiating the parliamentary timetable with the other House leaders. **Party whips** are the designated members of each parliamentary party whose job is to maintain party discipline; make sure that members attend for crucial votes; and determine who receives good offices, parliamentary trips, and prominent placement on the list of speakers in Question Period. A critical part of the whip's role is to be a sympathetic ear to elected party members and coordinate caucus (Brodie, 2018).

The Parliamentary Schedule

"A parliament" is the term used to denote the life of the legislature between elections. For example, the 41st Parliament was elected in 2011 and continued until it was dissolved and an election was called in 2015. A parliament begins when the governor general summons together its members and ends when the governor general proclaims its dissolution (or termination), normally in accordance with the prime minister's advice.

The life of a parliament is subdivided into smaller periods: sessions, sittings, adjournments, and prorogations. "Sessions" are the periods into which parliaments are split; they do not necessarily correspond to calendar years and can be of any length, and there is no set number per parliament. The period of time between sessions is referred to as a "recess." A session is composed of many "sittings." Sittings are meetings of the House, as directed by the Standing Orders (SO) of the House, and do not necessarily have to correspond to calendar days. (For more information about a typical sitting in the House, see www.parl.gc.ca/About/House/compendium/web-content/c_g_typicalsittingday-e.htm.) Sittings are ended by "adjournments," which are the periods, generally short (a few hours or weeks), between them. A session of parliament is ended by a "prorogation," which has the effect of ending the work of committees and official duties of individual members. If the next session should see fit, these may be resumed at the will of the House, but this is not guaranteed.

The first session of a new parliament sees some events that are not repeated in subsequent sessions: the summoning of the parliament, the swearing in of new

members, and the election of the speaker. Each session opens with the governor general reading the **Speech from the Throne**. The Speech from the Throne (written under the direction of the prime minister) is the government's indication of what it considers to be the state of the country, together with a general outline of the kinds of legislation that it has planned for the session. During minority governments, the Throne Speech may be used to signal to the other parties how the government plans to gain their support. The Throne Speech is followed by six days allotted for the Throne Speech Debate—a wide-ranging opportunity for all parties to score political points. The SO provide for a vote of confidence at the end of the Throne Speech Debate. This event is an important opportunity for all parties to put forward their key priorities and positions.

The **budget** (usually scheduled for February) is one of the highlights of the session. The budget's main task is to deliver news of tax increases or decreases as well as other revenue and borrowing measures, and to outline the state of the economy and government finances in general. The budget speech is always delivered by the minister of finance and, as the government's major policy statement of the session, is as much a political as an economic statement. In recent years, the finance minister has even begun to monopolize the announcement of new programs in over-sized budget speeches and economic statements. The budget is followed by a maximum of four days of debate, which do not have to be consecutive, at the end of which is the next scheduled opportunity for the opposition parties to introduce a vote of non-confidence. Although the budget occurs only once during a session, governments often provide economic and fiscal updates or statements in the fall to adjust the projections made in the budget and, sometimes, to announce new taxing and spending proposals.

The tabling of the **estimates** usually follows very closely on the budget and is the next major matter of business for the House for a very good reason. Financial matters were historically the major power that the Commons had to assert its will versus the executive, and there are still elements of that authority today. The House asserts its control not only by insisting on its right to determine how the government may raise money but also what the government can spend it on. The government must submit all of its expenditures to the House for approval, and it does not have the right to spend money that has not been approved by Parliament and, more importantly, by the House. Parliament does not offer extra revenue or extra expenditure to the government on its own because this would provide the executive with

Speech from the Throne

Government's indication of what it considers to be the state of the country, together with a general outline of the kinds of legislation that it has planned for the parliamentary session.

Budget

Government statement that proposes tax increases or decreases as well as other revenue and borrowing measures, outlines the state of the economy and government finances in general, and often includes announcements of major new programs.

Estimates

The money the government says is needed by government departments and agencies for the next fiscal year.



Adrian Wyld/The CP Images

Each parliamentary session opens with the reading of the Speech from the Throne, in which the government describes the state of the country and provides a general outline of the kinds of legislation planned for the session.

© Adrian Wyld/Fred Chartrand/CP

extra room to manoeuvre and defeat the purpose for which Parliament came into being centuries ago.

The degree to which the House can effectively perform its function of controlling government expenditures is a matter of debate. In 1968, the House decided to leave the detailed examination of departmental estimates to standing committees and to have them report back by a strict deadline. If they do not finish the estimates review by the deadline, they are considered to have reported back anyway and the estimates proceed to the House for approval. The common consensus among academics and parliamentarians alike is that the committees have not done a particularly good job at estimates review. The committees do not take the job seriously and are overly partisan in their work. They also lack the mechanisms that could force the government's hand, particularly the ability to delay the passage of spending programs.

The Passage of Bills

The rest of the session of the House of Commons is devoted primarily to the consideration of bills (proposed laws). **Public bills** have an impact on the whole of society or are designed to promote the general welfare. Most of the bills passed are government public bills that a minister introduces on behalf of the cabinet. **Private members' bills** are public bills put forward by members of Parliament who are not cabinet ministers. Private members' bills cannot involve the imposition of taxes or the spending of public money for a new and distinct purpose without the approval of cabinet. However, as of a speaker's ruling in 2006, they may require the expenditure of public funds provided that they are vague about the means. Traditionally only a very small number of private members' bills were passed, but now the SO guarantee each member one opportunity to have a bill voted upon before the next election. Generally, they have a better chance of passing if supported by the government. To allow the possibility of a private member's bill to be passed in the time allotted to private members' business, a lottery system is used to determine which 30 will have precedence, and then is replenished 15 names at a time. **Private bills** are those of concern to a limited group, such as an individual, a corporation, or a charity. For example, the incorporation of a chartered bank requires approval by a private bill. Private bills are generally introduced first in the Senate and examined most closely by that chamber. Government public bills can also be introduced in the Senate, although this is much less common than introduction in the House.

The Canadian Parliament (like other legislatures that follow the British model) requires that bills be approved on three separate occasions, or "readings," in the House of Commons and three times in the Senate, as well as being subject to a detailed committee examination. (See Figure 14-2.) Most bills, with the exception of money bills, can be introduced in either the House of Commons or the Senate. Money bills must be introduced in the House by a minister of the Crown. If a bill is introduced in the Senate, then its identifier begins with an "S" and has a number after it. If a bill is introduced in the House, then its identifying number is preceded by a "C." For example, Bill C-31 originated in the House.

The first reading in the House is basically a formality to introduce the bill. The second reading typically features considerable debate in the House and can result in the approval of the bill in principle. The bill then normally goes to one of the standing committees of the House for detailed "clause-by-clause" analysis. Amendments to the proposed legislation are often made at the committee stage. These amendments cannot, however, change the basic principles of the bill. The bill and the amendments agreed to by the committee are then reported back to the Commons ("report stage"). Any member of the House can also propose amendments at this stage, although the speaker decides which amendments are debatable. The Commons votes to accept or

Public Bills

Proposed laws that have an impact on the whole of society or are designed to promote the general welfare.

Private Members' Bills

Public bills put forward by a member of Parliament who is not in the cabinet.

Private Bills

Proposed laws that are of concern to a limited group.

reject the amendments. The bill then proceeds to third reading for final approval by the House.

If, as is usually the case, the bill was first introduced in the House of Commons, the bill then proceeds to the Senate, where it undergoes a similar process. If the Senate passes the bill in identical wording, the bill can proceed to royal assent (approval by the governor general on the advice of the prime minister and cabinet). If the Senate has amended or rejected the bill, it goes back to the House and cannot be passed until both houses of Parliament are in agreement. Finally, the government can decide when (or if) the new law (an act of Parliament, also known as a statute) is proclaimed (i.e., comes into effect).

Reforms designed to enhance the importance of the House of Commons have created the possibility for bills to be sent to a special legislative committee after first reading rather than the normal second reading to allow for review of the proposed legislation without being limited by the bill's approval in principle. A special legislative committee can, therefore, propose substantial changes to bills. To date, however, only a few bills have followed this procedure.

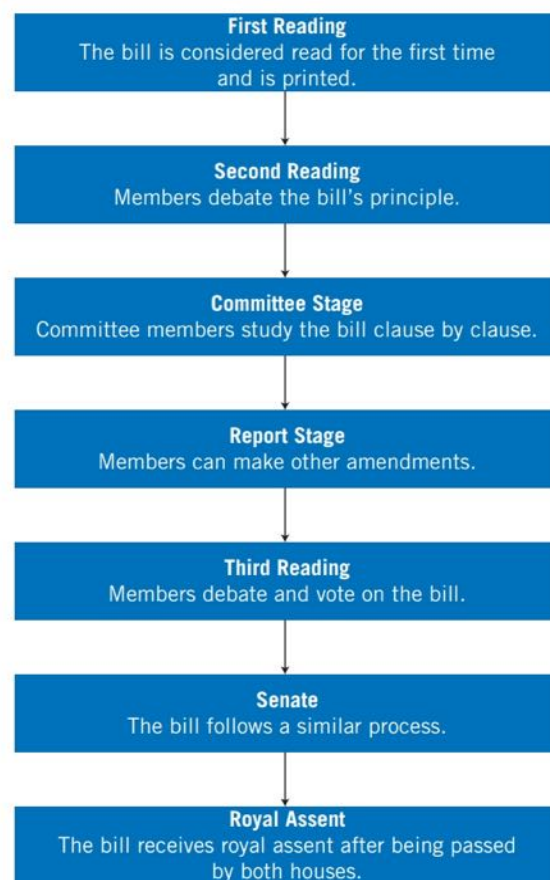
Time Management of Debates on Bills

The passage of legislation is time-consuming. Since the government typically has many bills it would like to be passed during a parliamentary session, the allocation of time to debating government public bills is often contentious. While the government would prefer to rush legislation through Parliament, the opposition parties want to voice their criticism of legislation, often in the hope that public pressure will lead the government to back down and withdraw the bill or at least to modify the proposal by accepting amendments proposed by the opposition.

The SO of the House allow for three aggressive time-management motions that allow government to speed passage of legislation in a fashion which curtails debate. **Closure** (SO 57) can be invoked to prevent further adjournment of debate on any matter, and it requires that the question be put (i.e., a vote be taken) before the end of the sitting in which a motion of closure is adopted. From 1913 (when it originated to help government pass the controversial Naval Bill) to 1999, it was applied only to the stage of debate being debated; after 1999, it could be applied to all stages. Closure has been used to cut off debate on some important issues, such as the free trade agreements and the Goods and Services Tax (GST). Historically, this has been considered an extreme, undemocratic measure as it means that individual MPs may be prevented from discussing the proposed legislation. However, in recent decades closure has been used more often.

More frequently, a second technique, **time allocation**, adopted in 1968, is used to set the amount of time provided for debate on a bill. If House leaders cannot agree on time allocation, a minister may, by SO 78(3), introduce a motion allocating the time for the stage of the bill that is being debated, provided that at least one day is allocated. A routine motion by a minister can also be used as a time-management technique. SO 56(1) allows a minister, during routine proceedings, to request that the speaker "put the motion forthwith, without debate or amendment" if, previous to this, unanimous consent has been requested and denied for presentation of a routine motion. Introduced in 1991, and intended to be used for routine procedural matters and not to limit debate on bills at various stages, it has nevertheless sometimes been used to the latter effect (Plante, 2013).

Figure 14-2 Stages in the Passage of Bills, Parliament of Canada



SOURCE: *Report to Canadians*, 2008. URL: http://www.parl.gc.ca/About/House/ReportToCanadians/2008/rtc2008_3e.html. House of Commons, 2008. Reproduced with the permission of the House of Commons.

Closure

A motion in the House of Commons to limit debate on a bill.

Time Allocation

A motion in the House of Commons that allocates the time that can be spent debating a bill.

Determining the appropriateness of using time management involves a value judgment about the balance between the government's need to expedite public business and the opposition's right to debate extensively and, if necessary, oppose legislation. It is obvious, however, that governments are getting progressively more intolerant of opposition prerogatives. Figures researched by Francois Plante tell a tale of an increased tempo of debate curtailment. Only 2.8 percent of the 5278 government bills introduced since the 12th Parliament began in 1912 have been the subject of the time-management techniques outlined. From 1912 to June 2012, closure was used 56 times, 23 of which were applied to various motions and 33 of which were to curtail debate on a total of 24 bills. Time allocation under SO 78(3) was imposed 168 times. This was aimed at 118 bills and 241 stages of bills. Routine motions by ministers were used 24 times, most in the 10-year period after its introduction (Plante, 2013, pp. 29–31). However, in the first year of the Harper majority government (2011–2012), Plante found that closure and time allocations limited debate on one-third of the government bills, “an abnormally high proportion” (Plante, 2013). While the Justin Trudeau government has made less frequent use of time allocation than the Harper government, it has also passed only half as many bills (Tasker, 2017).

Omnibus Bills

Proposed laws changing legislation on a large number of unrelated topics.

Governments have frequently resorted to another more unorthodox method of expediting their legislative programs. **Omnibus bills**, so named because they are large amalgams of many sorts of unrelated legislation, have become increasingly common. When they were used in the past, they stood out by their rarity and unusual nature. Liberal Pierre Trudeau instigated three (1968, 1971, and 1982), and Conservative Brian Mulroney one (in 1988, implementing free trade) (Bédard, 2012). Despite criticizing them in opposition and promising to end the use of omnibus bills, the Justin Trudeau government was criticized by the speaker for introducing two budget implementation bills in 2018, running 556 pages and 854 pages. (See current events widget “Omnibus Bills.”) Under rule changes in 2017, the speaker may divide large bills that lack a common theme to unite its elements.

Omnibus bills have been the subject of much debate. Critics decry them because they contain so many measures that they cannot be given proper attention in time allocated for debate. They can also be used to introduce new unannounced policy measures that should receive separate attention and debate in the interests of good government. Defenders of the approach argue that the approach is more efficient and publicly responsive because it allows the government to transform more of its election promises into law more quickly. Some bills are omnibus in nature by necessity, such as laws that involve updating statutes or bringing legislation into line with the Charter or court decisions. However, critics reply that those might be large bills but not omnibus bills since they have a unifying theme. The question is one of balance and respect for Parliament. Speaker of the House Lucien Lamoureux, reluctantly ruling on the admissibility of the Government Organization Act in 1971, posed the basic issue: “However, where do we stop? Where is the point of no return? ... [W]e might reach the point where we would have only one bill, a bill at the start of the session for the improvement of the quality of life in Canada which would include every single proposed piece of legislation for the session” (House of Commons Journals, 1971, January 26, pp. 284–285).

Opposition parties have the ability to slow down the process of passing government bills. Limits apply to the length of time that an individual member can speak, but if each member uses the full allotment of time, this can slow down the passage of legislation. Similarly, proposing numerous amendments, requesting recorded votes at each reading, raising points of order, and using other techniques can sometimes result in the government bargaining with the opposition to modify the legislation or occasionally to withdraw controversial legislation that the government does not view as a high priority.

One additional opposition tactic can be to “filibuster” or, technically, to generate debate on a “hoist motion.” The filibustering party or parties can move to “hoist”—that is, defer debate—on a bill for a specified period, say three or six months. This is useful for the opposition, because it suspends debate on the main item as long as the party can present MPs to speak on the motion for their allotted amount of time. Most filibusters are of limited effect and primarily used to attract public attention to certain bills, like the 2011 back-to-work legislation, which the New Democratic Party filibustered for 58 hours before the legislation was passed.

The Opposition and Holding the Government to Account

Although the House devotes much of its time to the passage of legislation and other government business, it also sets aside time for the opposition parties to try to hold the government accountable for its actions. Of particular importance is the daily 45-minute oral **Question Period** in which members, particularly from the opposition, can question the ministers and the ministers can respond. Question Period is the highlight of the day in the House of Commons—it receives almost all of the media attention as the opposition raises criticisms of the government on hot-button issues and the ministers defend the government, often by launching a counterattack on the opposition. Four days a week, a half-hour debate on adjournment (known as the “late show”) also provides an opportunity for a few members to discuss further on the issue raised in Question Period. In addition, although most of the session of the House is devoted primarily to government’s business, 20 “opposition days” are provided (in addition to the days allotted to debate on the Throne Speech and the budget), in which motions by the opposition (including motions of non-confidence) receive priority.⁵

House of Commons Committees

Visitors to the House of Commons or those who watch the parliamentary channel are often surprised when, except during Question Period, they see only a small number of MPs in the House. However, much of the work of the Commons is done in committee, and thus members are often busy with committee meetings that typically run simultaneously with meetings of the House. Committees are very useful because they can examine witnesses, question senior bureaucrats, hold public hearings (including hearings in different parts of the country), engage in detailed consideration of legislation and estimates, and provide oversight of government. Ordinary members of Parliament often view their work in committees as the most satisfying part of their job, as committees are often less partisan than the strongly adversarial nature of the House. This can provide an opportunity for MPs to work with committee members from other parties to help shape laws and policies. (For more information about House committees, visit www.parl.gc.ca/CommitteeBusiness/Default.aspx.)

There are five different types of committees: standing committees, legislative committees, special committees, Committees of the Whole, and joint committees.

Standing committees are permanent committees whose terms of reference are established by the SO of the House. Many of the standing committees parallel equivalent departments of government, such as the committees on fisheries and oceans, health, and national defence. Others deal with special topics, such as access to information, privacy, and ethics; procedure and house affairs; and public accounts. Most bills go to the appropriate standing committee after second reading in the House. Likewise,

Standing Committees

Permanent committees of the House whose responsibilities include detailed examination of proposed legislation and review of departmental estimates.

⁵ However, the government determines when these days will be held and thus can delay a non-confidence motion that might result in the defeat of the government.

a standing committee will review the estimates of the particular department that it parallels. In addition, committees can review relevant department-specific statute law, policy objectives, program effectiveness, and regulations. They also are able to launch independent investigations as they see fit on the mandate, management, organization, and operation of the department(s) assigned to them by the House.

Committees are no longer as large as they once were; instead of having 20 to 30 members, as was the case before 1984, as of 2018 all 24 standing committees had 10 members. As a result, committees have tended to become more business-like, and a degree of cooperation can develop that softens rigid loyalty to party. However, partisan political considerations still influence the workings of committees. The members of each committee are chosen so as to approximately reflect the proportion of each party's members in the House. The committee members elect the committee chairs and vice-chairs.⁶ Members of the governing party chair most committees, with the vice-chairs representing the opposition parties. However, members of the Official Opposition party chair five committees, including the Public Accounts Committee, which deals with the auditor general's report. There are as well two standing joint committees of the House and Senate, one dealing with the Library of Parliament and the other with the Scrutiny of Regulations (also known as delegated or subordinate legislation). One permanent (but not standing) committee, the seven-member Liaison Committee, decides on resources for all standing committees.

Legislative Committees

Temporary committees of the House established primarily to review a specific bill.

Special Committees

Committees of the House established to study a particular issue.

Committees of the Whole

Committees that comprise all members of the House, using relaxed rules of debate and procedure to deal with supply motions or other topics.

Joint Committees

Standing committees composed of members of both the House of Commons and the Senate.

Legislative committees are appointed by the House to review specific bills or, occasionally, to prepare and bring in a bill. They cease to exist with the submission of their report. The speaker appoints the chair of a legislative committee. For example, a legislative committee was used to review the Copyright Act in 2011.

Special committees are chosen to study an issue, with their existence limited to the duration of the study or to the end of the session. Their terms of reference end with prorogation, but they may be continued into a new session with the agreement of the Commons. In 2015 there was one such committee, the Special Committee on Violence Against Indigenous Women. In 2016, there were Special Committees on Pay Equity and Electoral Reform.

Committees of the Whole are composed of the membership of the entire House and were once used extensively for consideration of financial bills and legislation. Supply (spending) motions are the only bills regularly referred to Committees of the Whole, although the House may go into the Whole on other matters if it wishes. The incentive for moving to such a committee is informality. The speaker is not in the chair and the rules of debate and procedure are relaxed. "Take notice" proceedings, where the government gauges the will of the Commons on a non-binding vote, are also conducted in the Committee of the Whole.

Joint committees are standing committees composed of members of both the House of Commons and the Senate. One deals with issues related to the Library of Parliament, the other with the scrutiny of regulations. A joint committee was created to examine physician-assisted dying and reported in 2016.

House of Commons Effectiveness

Many observers have commented on the "decline of legislatures" around the world. Some Canadian observers have advanced similar arguments about the decline of the House of Commons:

- The growth of power in the hands of the prime minister and central agencies means less power in the hands of legislators.

⁶ In 2002, 56 Liberals broke ranks with their party to support a motion by the opposition parties for a secret ballot to elect committee chairs. This reduced the ability of the government to control committees (Docherty, 2005).

- The growing disparity between the research capabilities available to the Commons and those available to the executive results in an increasingly weaker Commons.
- The high turnover of MPs between some elections has often made for a repetitive pattern of a group of amateur legislators facing a more experienced government.
- The growth of subordinate legislation has exploded in recent decades, leaving effective power to flesh out skeleton legislative proposals in the hands of ministers and departmental officials. Those who are supposed to be implementing laws are increasingly making them.
- Despite the growth of technologies that theoretically make transparency and openness more possible, the executive is becoming more and more reluctant to share information with legislators. Information is the mother's milk of politics, and without it legislatures suffer.
- Committees are not very effective in their oversight of the executive.
- Parliamentary reforms have taken away some elements of parliamentary influence, such as the ability to delay supply and to speak at length in the House.

These are serious allegations. However, there are some ways in which the House of Commons has also grown in importance, including the five outlined subsequently.

Standing Committee Independence

A measure of independence for standing committees is desirable if legislatures are to be stronger and more accountable. Indices of committee independence include the degree of flexibility in the committees' terms of reference and the resources allowed to fulfill these terms of reference.

The 1986 alterations to the federal House of Commons SO significantly aided committee independence. As noted above, standing committees can now begin independent investigations regarding the mandate, management, organization, or operation of the department(s) assigned to them by the House. The government must table a comprehensive response to the report of a standing or special committee within 120 days. To further aid independence, committee members have a degree of tenure, with membership to continue from session to session within a Parliament during a given year (but ending in the last sitting day of the year). Standing, special, and legislative committees may obtain expert staff as deemed necessary, and the Board of Internal Economy will approve budgets for committee expenses. Standing committee chairs are elected by the members, providing some independence.

Economic and Fiscal Overview

A legislative focus for review of broad economic and fiscal matters is also useful in strengthening parliamentary powers to scrutinize the actions of government. Despite the importance of such matters, little opportunity exists for legislators to tap public input and both governmental and non-governmental expert opinion on economic and fiscal issues. Two major federal reports—the Lambert Report of 1979 and the Macdonald Commission of 1989—called for committees of the House of Commons to be set up to conduct pre-budget consultations and broad investigations of economic policy. Ultimately a Commons Committee on Finance was established, which follows this general purpose. The Office of the Parliamentary Budget Officer took over another purpose for the proposed committee: the assessment of the accuracy of the government's revenue and expenditure projections. These reports can be very useful to the opposition parties in questioning government.

Committee Scrutiny of Appointments

The SO of the House of Commons [SO 32(6) and SO 110] now require that order-in-council appointments (other than appointment of judges) and, at the discretion of the government a nominee for appointment, be referred to a standing committee of the House for its consideration during a period not exceeding 30 sitting days. The committee can examine the individual's qualifications and competence for the position and can call the individual to appear before the committee. However, the appointment or nomination cannot be vetoed by the committee.

Increasing the Number of Officers of the Legislature and Their Structural Independence

Officers of the legislature are neutral officials who fulfill roles central to the operation of the legislature as a collective body in a way that is above politics. In recent years, their number and independence of status have increased. These officers are discussed in Chapter 15.

Recognition of Parties in Parliament⁷

Some resources are provided for Commons party organization and research purposes, and this strengthens the role of Parliament, giving its driving forces some influence. However, the research capacity of parliamentary parties could be increased so that parties could be more effective in holding the government accountable and better able to analyze and develop legislative proposals.

Despite some moves to strengthen the ability of the House of Commons to hold the government to account for its decisions and actions, party discipline has remained tight, thereby reducing the effectiveness of these powers. For decades, party leaders have promised to loosen party discipline, but those promises have rarely been carried out. Under Stephen Harper, party discipline remained tight. Prior to the 2015 election, Justin Trudeau stated his view that party discipline should be less rigid. Specifically, party discipline would apply only to promises in the Liberal election platform, the budget and significant financial matters, and values related to the Charter of Rights and Freedoms. However, it is not clear that it has loosened. However, often this is not a consequence of the centre "whipping" its members but rather party members sharing a common allegiance to the goals of their parties. Former Speaker of the House Peter Milliken has suggested that a more effective means of strengthening the ability of the House to perform its surveillance (accountability) function would be to permit the speaker to select who will speak in the House rather than requiring the speaker to follow party lists. Still, the most effective means of ensuring that Parliament performs its dual role of supporting and surveilling the government is an attentive public.

The Senate

14.4a Describe the specific functions of the Senate of Canada.

14.4b Evaluate the implications of current and possible reforms to the Senate.

For many years now, opinion has been poles apart as to the feasibility and necessity of the Senate of Canada. Despite the reams of paper devoted to possible reforms, the Senate is one of the most misunderstood institutions in our system of government. When it is compared with the U.S. Senate, it seems like an antiquated, impotent body. When contrasted with the British House of Lords, it appears like a quaint relic without

⁷ Parties are officially recognized only if they have at least 12 members in the House of Commons.

purpose, harking back to a time long past when nobles ruled. When it is compared with the German Bundesrat, the Australian Senate, or other upper houses around the world, it looks inferior. However, these comparisons obscure the important functions that the Senate serves in the Canadian parliamentary system and provoke calls for reform of abolition of the Senate that may have the unintended effect of diminishing our parliamentary system rather than enhancing it. To understand its current role, it is necessary to revisit its founding purposes as well as the conventions that govern its operation today.

Reasons for Establishment

The Senate was established (along with the House of Commons) by the Constitution Act, 1867, to serve three purposes. First, the Senate was designed to provide a balance against popular representation in the House of Commons. Appointed representatives would not be as subject to the passions and whims that animate elected politicians and carry them into office. In this way, the older, established senators would serve as bulwarks against unfettered democracy. A number of founders, led by John A. Macdonald, viewed the Senate as a body that would provide “sober second thought” to legislative initiatives and thus act as a check on possible rash decisions by the Commons. Second, some founders, such as Macdonald’s Quebec ally in the Confederation project, George-Étienne Cartier, made it clear that second-guessing the Commons would balance democracy and protect private property. In their day, property owners provided stability and continuity to economic and political institutions that were vital for the flourishing of the nation. In the Confederation Debates (1865), Cartier stated that it was important to “give the country a Constitution which might reconcile the conservative with the democratic element; for the weak point in democratic institutions is the leaving of all the power in the hands of the democratic element” (Parliamentary Debates on the Subject of the Confederation of the British North American Provinces, 1865, p. 571). In order to represent propertied interests, the Constitution Act, 1867, required all senators to own lands or tenements worth at least \$4000 within the province for which they were appointed, and required them to have a personal net worth of at least \$4000 over and above their debts and liabilities. By establishing a body to represent the interests of the propertied elite, Canadians were trying to copy the House of Lords in the United Kingdom, which had long served such a purpose. Appointments to the Senate over the years favoured the business, professional, and commerce classes. As a consequence, the Senate—especially its Banking, Trade and Commerce Committee—often acted as a lobby for the interests of big business (Campbell, 1978) and has always been viewed as critical in the review of fiscal, monetary, and economic policies.

Third, the Senate was established to protect regional and provincial interests against a strong central government. French-Canadians viewed this protection as the most important part of the whole Confederation agreement, which provided equality in the Senate between Ontario and Quebec. New Brunswick and Nova Scotia saw the Senate as protection against domination by central Canada. To achieve these goals, the Senate was established with equal regional (“division”) representation. The provinces of Ontario and Quebec qualified as divisions, with 24 senators each, and the two Maritime provinces formed the third division, with 24 senators between them. The expansion of Canada led to the establishment of a fourth division, western Canada, as well as representation for Prince Edward Island (within the Maritime division), Newfoundland and Labrador, and the territories. (See Table 14-1.)

Appointments to the Senate

The governor general appoints senators on the recommendation of the prime minister, and, with some notable exceptions, prime ministers have filled the Senate with loyal party members. Senators have to be at least 30 years old and can serve only

until age 75.⁸ They can be removed from their secure positions only if they fail to attend two consecutive sessions of Parliament; become bankrupt; or are convicted of treason, a felony, or other “infamous” crime. In addition to having \$4000 free of debt, senators must hold property with a value in excess of \$4000 in the province or territory which they represent. These qualifications correspond to the three purposes of the Senate mentioned above.

Appointment by the prime minister without consultation with the provincial and territorial governments is intended to ensure that senators represent the citizens and are not beholden to the province but can balance local interests with the national interest. When Stephen Harper was prime minister, he attempted to modify the appointment process by requiring that nominees be elected by the residents in the province or territory before being recommended by the prime minister to the governor general for appointment to the Senate. This change was intended to strengthen the local bond of the senator and legitimize the appointment. He also tried to introduce term limits. However, the Supreme Court of Canada ruled that the proposed process could not be implemented without provincial approval under the amending formula.

In the first year of his term in office, Justin Trudeau created an independent advisory board to name people whom the prime minister could then recommend to the governor general for appointment to the Senate. His objective was to make the process more transparent and clearly merit based rather than predominantly partisan based. Despite controversy over the operation of the advisory board and the government’s difficulty in keeping it staffed (Masereeuw, 2018), the process has resulted in the Senate vacancies left by the Harper government being filled with senators who have not declared an allegiance to either the Liberals or Conservatives but sit as independents. Most of the independent senators belong to the Independent Senators Group (ISG) formed in 2016, although a couple sit as unaffiliated independents.⁹

In a limited way, the Senate is more representative of the characteristics of Canadians than the House of Commons. For example, as of 2017, approximately 40 percent of senators were female, 15 percent were visible minorities, and almost 6 percent were Indigenous. Recent appointees tend to be younger but may still sit until they turn 75. Like MPs, senators tend to be from business, professional, or legal careers but also from political and activist backgrounds (Griffith, 2017).

The Significance of the Senate

The House of Commons and the Senate are nearly equal in their legislative powers. All legislation must be passed in exactly the same words by both bodies. However, precedence is given to the House by the constitutional requirement that financial bills involving government spending and taxing must be introduced first in the House of Commons and approved by the Senate, and by the loose convention that Senate amendments to or rejection of financial bills exceed its authority. Further, although the Senate can potentially check the power of the government by rejecting government bills that the House of Commons has passed, the Senate has generally been reluctant to reject government bills outright, preferring to propose amendments for the House (and government) to consider. For example, senators proposed 150 amendments to the Harper government’s important Accountability Act, 90 of which were incorporated in the final version of the Act. Even the independent senators appointed by Trudeau have tended to vote along the Liberal lines and not reject bills. Given that senators are appointed, not elected like MPs, has

⁸ Until 1965, senators were appointed for life.

⁹ During the Senate spending scandal, Trudeau expelled the senators from his caucus in January 2014. At the time he declared that there would be a formal separation between the Liberal Party machinery and senators. These senators, who previously had declared their party allegiance as Liberal, would now sit as independents. Senators appointed under the new process have continued this practice of disavowing a party affiliation.

Box 14-3 Pandemonium in the Senate

The Senate tends to be a less partisan, quieter, more sedate chamber compared to the Commons. However, events in 1990 contradicted this image. Liberal senators had prevented a major piece of government legislation, the imposition of the GST, from coming to a vote. Prime Minister Mulroney asserted that unelected senators were undermining democracy and challenging the supremacy of the House of Commons. To overcome the opposition of the Liberals, who had the majority in the Senate, the Mulroney government drew upon an obscure, never-before-used provision of the Constitution Act, 1867 (s. 26), that allowed the queen to expand the Senate by either four or eight members on the

recommendation of the governor general (in effect, the prime minister). Not surprisingly, the prime minister recommended eight people committed to supporting the GST for appointment to the Senate.

The Liberals were incensed. They broke protocol by inviting the media onto the floor of the Senate. Then, blowing kazoos, they approached the speaker to demand more time to debate the GST. A hasty compromise was reached to allow the Liberals some additional time to voice their criticisms of the proposed tax. With the support of the eight additional senators, the Senate passed the unpopular GST legislation.

given rise to the practice of Senate generally deferring to the will of the House and not rejecting bills.

Nevertheless, when a new party comes to power it will typically confront a Senate dominated by the party it defeated. Until the new party can fill enough vacancies with its own supporters to give it a majority, it may find that its legislative proposals face delays and obstacles in the Senate. This occurred particularly in the 1980s, when the Progressive Conservative government led by Brian Mulroney engaged in a number of confrontations with a dynamic Liberal majority in the Senate. The Senate rejected important legislative proposals, including the government's spending plans, drug patent legislation, and changes to unemployment insurance, although the Senate eventually gave in after the House repassed the bills for a second or third time. While Liberal senators generally accepted that they did not have the legitimacy needed to kill legislation approved by the House, they were effective in informing the public about their criticisms of the legislation. However, when Liberal senators stalled the passage of the unpopular (GST), the government took highly controversial action. (See Box 14-3: Pandemonium in the Senate.)

More common than the occasional dramatic confrontations between the Senate and the government is the Senate's important contribution to the "technical review" of legislative proposals. Some senators are very diligent in their review of legislation that has been passed by the House of Commons. Senators have often caught technical errors that the House did not notice and have suggested many improvements in the details of legislation. Senators have also been active members of the Joint Standing Committee on Regulations, which reviews subordinate or delegated legislation.

The Senate has been especially good at policy work. With its more relaxed, less partisan atmosphere, the Senate can engage in the more long-term investigatory work that is usually within the scope of royal commissions. In the past few decades, Senate committees have produced important reports on such topics as palliative care, poverty, the mass media, aging, unemployment, science policy, Canadian-American relations, security, and national defence. Despite the "establishment" image of the institution, some Senate committee reports have been surprisingly critical of the government. The Senate has also been effective in serving as an early warning mechanism for some national issues. For example, the Senate Standing Committee on National Security and Defence was sounding the alarm about the decline of defence preparedness of the Canadian Forces and airport security a decade before they became issues. (For more information about Senate committees, visit <https://sencanada.ca/en/Committees/>.)

Finally, in a federal country a regionally representative upper house is generally viewed as an essential component of the institutional structures for the purposes of legitimation, representation, and integration. To the extent that it can perform these tasks, the Senate is a vital component of the Canadian polity and complementary to the House. Although some senators neglect their duties and achieve disproportionate media coverage, the majority of senators take their duties very seriously to act as spokespersons for their provinces and for minority and vulnerable populations; to scrutinize legislation and regulations, particularly financial and more complex bills; and to balance local concerns with national interests. It also plays an important symbolic role as the body where the governor general reads the Throne Speech and where heads of state often visit. However, the hard work of senators is often not newsworthy or is underestimated, and the appointed nature of the Senate garners significant criticism.

SENATE REFORM While some believe that the Senate should be abolished as a relic of the undemocratic past, many see promise in a reformed upper house and have suggested a whole variety of possible functions for it, some old (and modified) and some new.

REGIONAL AND PROVINCIAL REPRESENTATION There have been many proposals that reflect the need to counterbalance the power of the more populous areas of Canada by creating a new Senate with more meaningful regional or provincial representation. With the growth of the West, the six seats allotted to each of the provinces in this region are often viewed as inadequate. As well, representation in the Senate does not reflect the principle of the equality of the provinces that many people hold. However, reducing Quebec from nearly one-quarter of the seats in the Senate to slightly less than one-tenth would not go over well in that province. Likewise, people often have criticized the notion that Prince Edward Island should have the same number of representatives as Ontario in a reformed Senate. It has also been proposed that provincial governments or provincial legislatures should nominate senators or that the population of the province should elect senators to represent their province, with senators required to seek re-election at regular intervals.

LEGISLATIVE REVIEW Reformers sometimes stress the idea that review of proposed legislation should continue to be an important role for the Senate but that it must be a review with a clearly subordinate and supportive role. In this perspective, the Senate would exist not to challenge the principle of the legislation but to make it better. This subordinate role would be highlighted by including a suspensive veto (the ability to suspend the passage of legislation for a specified period of time) rather than an absolute veto over legislation passed by the Commons.

Redefining the powers of the Senate would be particularly important if it were to become an elected body. An elected Senate would likely result in a more active and more partisan upper house that was more willing to challenge legislation passed by the Commons. If the Senate were elected on the basis of equal provincial representation, this would likely often result in different parties controlling the Senate and the Commons. A suspensive veto would help to ensure that a deadlock did not occur between the House and the Senate.

INTER-GOVERNMENTAL RELATIONS A reformed Senate could serve as a chamber for the coordination of federal–provincial relations. It could also provide protection against federal policies that might hurt provincial interests by, for example, requiring that provincial government representatives approve federal legislation that affects the interests of the provinces (as is the case for Germany’s Bundesrat). Alternatively, it could act as an intermediary between the federal and provincial governments and thus help to reduce federal–provincial conflict.

REPRESENTATION OF MINORITIES The original Constitution Act, 1867, gave limited recognition to the minority protector role of the Senate Act, 1867. Representation for Quebec is divided into 24 districts, thereby providing representation for the English-speaking enclaves in the Eastern Townships of the province. Some suggest that the diversity of Canada should be more fully recognized in the Senate by, for example, providing guaranteed representation for Indigenous peoples, women, and various minorities. The Charlottetown Accord (see Chapter 10) proposed that both a majority of francophone senators and a majority of the Senate as a whole should have to pass bills affecting the French language and culture.

PROTECTION OF DEMOCRACY AND REPRESENTATIVENESS One common theme of many Senate reformers is that Canada has too many centralizing elements and not enough countervailing or counterbalancing elements. One way the power of the prime minister could be held in check is by giving the Senate a role in ratifying appointments to the Supreme Court and various agencies, boards, and commissions. As well, enhancing the legitimacy of the Senate by electing its members would allow it a more equal say in Parliament's policy role. However, this reform would need to be reconciled with the confidence convention and core principle of responsible government.

Attempts to Reform the Senate

As discussed in Chapter 10, Senate reform has been one important part of the discussions of comprehensive changes to the Canadian Constitution. Reflecting the development of a movement for a "Triple-E" Senate (one that is equal, elected, and effective) in western Canada, former Alberta Premier Don Getty, supported by several other premiers, pushed hard for major Senate reforms that require constitutional amendments. The Meech Lake Accord proposed that senators be chosen from a list of nominees put forward by the government of the province for which there was a vacancy. The Charlottetown Accord proposed that the Senate consist of six persons from each province and one from each territory. Senators would be elected either by the population or by the legislature of the provinces and territories.

Although these accords failed, Alberta has held elections to choose "senators-in-waiting" since 1989. Saskatchewan passed a law in 2009 providing for elections to choose nominees for the prime minister's consideration, but no election ever took place, and in 2013 the legislature repealed the act and passed a motion calling for the abolition of the upper chamber (CTV News, 2013, November 6). Prime Minister Harper recommended the appointment of Bert Brown, a leader of the Triple-E Senate movement who had won two Alberta senatorial nominee elections to the Senate in 2007, Betty Unger (who finished second to Brown in the 2004 election) in 2012, and Scott Tannas (the second place finisher in the 2012 Alberta senatorial election).

From its first term in office in 2006, the Harper government presented a series of (unsuccessful) bills to Parliament concerning Senate reform. In 2006, Bill S-4 would have limited senators to renewable eight-year terms of office. In 2007, Bill C-20 would have provided for consultative elections for nominees for Senate posts: the winners' names were to be submitted to the prime minister, who would consider them for Senate recommendations to the governor general.

On June 21, 2011, the government presented yet another effort. The Senate Reform Act (Bill C-7) proposed to allow a province or territory (if they so choose) to hold an election to select nominees for the Senate, nominees the prime minister must consider when recommending Senate appointments to the governor general. It also proposed that senators appointed after the October 2008 general election would be subject to a nine-year limit after the bill came into effect. Elected senators would be prevented from seeking re-election. A Senate election could be held at the same time as the provincial general election or during municipal elections provided there was a common election day for all, or at a date determined by the provincial cabinet.

The Supreme Court of Canada in *Reference re: Senate Reform* (2014)¹⁰ ruled that Parliament alone could not provide for senatorial term limits or consultative exercises—the general amending procedure¹¹ was necessary to achieve both these ends. As well, abolishing the Senate could take place only with the unanimity procedure. Measures that maintain or change the Senate without altering its fundamental nature and role—such as changing property qualifications or the net worth requirement for senators—could be changed by Parliament (or, for Quebec senators, Parliament and the Quebec legislature). Justin Trudeau’s reform to the appointment process, of using an advisory body to recommend appointments has not garnered a constitutional challenge, but if the independent senators become more active in using the powers of the Senate to reject legislation or neglect their duties as regional representatives in favour of their own preferred interests, then a constitutional challenge could arise, charging that the fundamental nature of the Senate is being changed.

For the time being, the Senate faces the daunting mixture of lack of legitimacy and a perceived but frustrated need for change. And the good senators soldier on performing important work that largely goes unappreciated by Canadians.

Summary and Conclusion

The House of Commons is at the centre of Canada’s system of representative democracy and responsible government. The prime minister and cabinet can govern only as long as they retain the support of the majority of elected representatives. Not only can the Commons make or unmake governments, but it is also the key institution for scrutinizing the activities of the government and holding it accountable for its actions.

The House of Commons and the Senate do not usually play a major role in developing new laws and policies, but they are not ineffectual. Their detailed examination of proposed legislation can result in significant modifications and improvements in government’s legislative proposals. As well, debate in the House helps to inform the public and legitimate the work of government.

The tight party discipline that characterizes the Commons limits the representational capabilities of individual MPs. However, party discipline helps to clarify the positions taken by the opposing parties, thus making it easier for the public to know where each party stands. It also makes individual MPs less likely to be pressured by powerful lobbyists. When one party has a majority in

the House, party discipline ensures that the government will have its way and be able to enact the policies in its election platform, and also to pass unpopular measures that the government believes are necessary or desirable.

In a minority government situation, the House of Commons assumes greater importance, as opposition parties determine the fate of the government. Sometimes this leads to a degree of cooperation between the governing party and one or more of the opposition parties. Other times it results in a dysfunctional House, in which party competition is especially intense and the constant threat of an election overshadows all of the activities of the members.

The Senate, as currently constituted, is often criticized as being an undemocratic institution. Even though the Senate performs useful and important work, most observers agree that Senate reform is long overdue. However, changes to the powers of the Senate, the method of selecting senators, and the number of senators for each province require a constitutional amendment. Achieving agreement to amend the Constitution to institute major reforms of the Senate would not be easy.

¹⁰ This was in response to a series of questions prepared by the Canadian government based on various reform proposals. Earlier, the Quebec government had sought an opinion from the Quebec Court of Appeal on the constitutionality of Bill C-7.

¹¹ The general amending formula requires the agreement of Parliament and the legislatures of at least two-thirds of the provinces containing at least one-half of the population of all the provinces. The unanimity formula requires the agreement of Parliament and all the provincial legislatures. In the view of the Supreme Court, abolishing the Senate would be a fundamental change in the Constitution and thus requires unanimous agreement.

Discussion Questions

1. Do the House of Commons and the Senate deliver on the Westminster model promises for strong centralized decision making and a clear division of responsibilities for supporting and holding the government to account?
2. How do the national legislatures of the United States and Canada differ? Can they learn anything from each other?
3. Are reforms of the House of Commons needed?
4. Do the merits of party discipline in the House of Commons outweigh its drawbacks?
5. Do the procedures for passing bills in the House of Commons provide the opposition with adequate time to scrutinize legislation?
6. Should the Senate be abolished, reformed, or remain as it is?

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Chapter 15

Public Administration and Public Policy

Adam Scott/Photo provided by the Office of the Prime Minister © Her Majesty the Queen in Right of Canada, 2019



Clerk of the Privy Council Michael Wernick (right) hands over his report on the Public Service to Prime Minister Justin Trudeau. In April 2019, the Clerk stepped down from his position amid controversy, professing that he was not sure he had the confidence of all parties going into the 2019 election.



Learning Objectives

After reading this chapter, you should be able to

- 15.1a** Define bureaucracy.
- 15.1b** Discuss the influences on the development of the public bureaucracy in Canada, including the main reforms in recent years.
- 15.2** Provide a general overview of the functions of executive institutions.
- 15.3a** Provide a general overview of the staff who work for the three types of executive departments.
- 15.3b** Discuss and distinguish between central agencies and central departments.
- 15.4** Provide a general overview of the staff who work for the parliamentary branch of government.

- 15.5 Provide a general overview of the staff who work for the judicial branch of government.
- 15.6a Identify and discuss the policy stages theory and practice in government.
- 15.6b Discuss the policy roles of the public sector.

The clerk of the Privy Council had his work cut out for him when he was appointed in 2016. He knew he had to fix the Phoenix pay system for the 260 000-plus public servants of Canada. The patience of the public sector employees, the public, and both government and opposition parties was running out. By the time of his report in 2018, he knew the remediation work would continue well into 2023 (Clerk of the Privy Council, 2018).

In 2009, the federal government began to transform the pay system for public employees by centralizing pay services and replacing the 40-year-old system that was used by 101 departments. In 2016, responsibility for administering the pay systems of 46 departments and agencies was transferred to the 460 pay advisers and 90 support staff in Miramichi, New Brunswick, under the new Phoenix pay system that Public Services and Procurement Canada had paid IBM to help develop. The other 55 departments retained responsibility for data modifications to employee payments, but the payments were issued by the pay centre (Auditor General of Canada, 2017).

The pay system was complex. It involved over 80 000 pay rules that had been developed under 105 collective agreements with the public sector unions. The system had to be coordinated with the manual systems retained in some departments and departmental human resource systems. As a result, more than 200 custom-built programs had to be added. But to meet the 2016 deadline, Phoenix was implemented without a full pilot program to test it.

The result was a disaster. According to the auditor general's report, there were more than half a billion dollars in unresolved errors in pay by June 30, 2018 (Auditor General of Canada, 2017, 2018). The Senate committee on Phoenix reported that by the end of May 2018, there were almost 600 000 pay requests and more than half of the public sector employees had reported pay problems (Senate, 2018). By 2018, the pay system meant to save \$70 million a year had cost more than \$1 billion—and a projected \$2.2 billion more—in unexpected expenses.

Phoenix raises important questions about public sector accountability. The Justin Trudeau Liberal government elected in 2015 blamed the previous Harper Conservative government for initiating the flawed system. The former Conservative president of the Treasury Board replied that when the public sector reported problems with Phoenix, his government had not proceeded to implementation, but the Liberal government had made the implementation decision (Zilio, 2018a, 2018b). Three senior public sector employees had prioritized implementation over functionality and security concerns to meet the government deadlines. The auditor general and Senate blamed the public sector culture that discouraged public servants from advising political leaders of potential problems. In the end, the public is left wondering about the state of competency of the public service if it cannot even pay itself correctly.

Chapter Introduction

The business of government is **public policy**. Over 260 000 people are at work daily in the Canadian government delivering public policy for citizens. Public policy is “a course of government action or inaction in response to public problems ... associated with formally approved policy goals and means, as well as the regulations and practices of agencies that implement programs” (Kraft & Furlong, 2015, p. 4). Thomas Dye offers an even simpler definition: “Whatever governments choose to do or not to do” (Dye, 1998, p. 2). In other words, public policy is what government does or does not do, purposefully, or what it compels or encourages others to do or not to do. This chapter examines the administrative structures in which public policy is developed as well as the policy roles of administrators.

Public Policy

It is what government does or does not do purposefully, or what it compels or encourages others to do or not to do.

Bureaucracy

15.1a Define bureaucracy.

15.1b Discuss the influences on the development of the public bureaucracy in Canada, including the main reforms in recent years.

Bureaucracy

Rule by offices and officials.

The word **bureaucracy** was developed to describe the administrative structures that supported elected governments in conducting their work for citizens. In the classic view of German sociologist Max Weber, the development of bureaucracy reflected the focus of modern society on rationality and efficiency. For Weber, a bureaucratic organization featured a hierarchical chain of command; work that is organized in terms of specialized positions; detailed, impersonal rules; and a system of hiring and promotion based on qualifications and merit. Although Weber thought that the bureaucratization of society was inevitable, he worried that powerful bureaucratic organizations controlled by senior officials would dominate government and sabotage the democratic ideal (Heywood, 2002). Weber's concern is still valid today.

Although the terms "bureaucracy" and "bureaucrat" may have negative connotations, we prefer to use the terms more neutrally. In this chapter, the term **public bureaucracy** is used to refer to the staffs of a variety of governing institutions. Governing institutions require sizable staffs to be effective. Although bureaucracies are important and influential, the claim that bureaucracies "rule" is an exaggeration. The prime minister and cabinet play a leading role in the Canadian governing system, assisted by top public servants in setting the direction of government.

Public Bureaucracy

The staffs of a variety of governing institutions.

The Administrative Structure of the Bureaucracy

Weber's model of bureaucratic organization could still be used to describe the large number of public servants who work primarily in the departments of government. However, it might mask the two roles of public servants. On the one hand, public sector employees do execute the routine, administrative tasks that keep government running. On the other hand, public servants play an important role in the development and implementation of public policies that are decided upon by cabinet and passed by Parliament. Putting laws and policies into effect can involve a substantial degree of creativity and thought in designing effective programs and dealing with changing circumstances.

Beyond the public service, a wide variety of organizations can be found whose staffs also support the workings of the political executive (prime minister and cabinet). Andrew Graham (2007) insists it is necessary to define government expansively, given the extensive reach of the public sector in modern times. For example, he points out that there is a "shadow government": people working for the private sector under government grants or grants to non-profit organizations. An international non-governmental organization delivering aid in another country on behalf of Canada, would be a good example of this type of arrangement. As well, government often achieves its aims by using a variety of "governing instruments," some of which are practices that depend on the private sector for their implementation, such as regulations, inducements, and persuasion designed to change private sector behaviour. Examples would include the medical associations that oversee practitioners engaging in medically assisted dying or securities regulators that oversee investments and the financial markets. In addition, legislative and judicial institutions receive support from their own bureaucratic organizations and officials. In other words, bureaucracies take on many differing forms.

Since understanding the rather labyrinthine federal public service is a challenge, even for public servants themselves, we take a different tack and arrange the public

service according to a “rule of threes.” The way to understand the shape of the public service is to see it as a series of influences and bodies arranged in sets of three. In other words, there are

- three national influences on the development of the bureaucracy in Canada;
- three bureaucracies (executive, legislative, and judicial);
- three categories of executive institutions;
- three categories of executive departments;
- three levels of bureaucratic elite in departments;
- three kinds of officials in parliamentary institutions; and
- three kinds of officials in judicial institutions.

This is a unique and simplified way to present complex information. Given the size of the bureaucracy in Canada, it is difficult to capture its full character. This chapter focuses on the public bureaucracy at the national level of government.

Influences on the Public Bureaucracy in Canada

There have been three main sources of influence on the bureaucracy in Canada. The Canadian public bureaucracy, especially the public service bureaucracy, owes its origins to British and American sources and to more recent public sector reforms internationally. However, it has retained uniquely Canadian traits as well.

BRITISH INFLUENCE The traditional British style of public administration, known as the **Whitehall model**, was the model adopted but modified by Canadian practice and convention. The Canadian variant consists of a number of interrelated principles. (See Table 15-1.)

The British model was a subject of both pride and consternation to Canadians. It offered a familiar and relatively workable set of principles that could be passed from generation to generation, but it also resisted change.

AMERICAN INFLUENCE American influences have also left a lasting mark in Canada. In the late nineteenth century, the **Progressive movement**, spearheaded by individuals like Woodrow Wilson, sought to break the “spoils system” (in which the winning political party gave government jobs to its supporters) by making the public sector at all levels more businesslike and shielding it from the political realm. The Progressive movement had its strongest effect at the local and state levels, where the patronage-ridden political “machines” had their greatest hold.

In Canada’s first half century, government jobs were given to political supporters; public contracts went to friends of the government; political figures enriched themselves at public expense, often by padding construction projects; and recent

Whitehall Model

The traditional British style of public administration with such features as ministerial responsibility, public service anonymity and neutrality, secrecy, and the merit principle.

Progressive Movement

A late nineteenth-century movement that sought to break the “spoils system” in government by making the public sector at all levels more businesslike and shielding it from the political realm.

Table 15-1 The Traditional Whitehall Model and Its Canadian Application

Traditional Whitehall Model	Modifications by Canadian Practice and Convention
Parliamentary supremacy	Subordinate (delegated) legislation
Ministerial responsibility	Answerability and accountability
Public service anonymity	Accounting officers Boards of Crown corporations and commissions Media access to public servants
Public service neutrality	Rights to engage in various forms of political activity
The secrecy norm	Access to information or freedom of information
The rule of law	Canadian Charter of Rights and Freedoms
The merit principle	Employment equity
Public representation	Representative bureaucracy

Scientific Management

A complex system of management of the production process, often popularly associated with time-and-motion studies, which maintains that there is one best way to increase output.

immigrant communities received special “favours” in exchange for voting support at the polls. Among the Progressive movement’s effects in Canada were the creation of city managers for urban governance, the foundation of special purpose bodies to manage some politically sensitive services, and reforms in public budgeting.

Around the turn of the century, the second American influence, the **scientific management** school, first set in motion by Frederick Taylor (1856–1915), gained in popularity.¹ Taylor was a member of the New England upper class who was accepted to Harvard but instead chose to become immersed in the burgeoning American manufacturing sector, first as an ordinary worker, then as an engineer, and then as what would today be called a management consultant. Tireless study of the nature of work and management led him to publish his immensely popular work *The Principles of Scientific Management* (Taylor, 1911).

Taylor reckoned that the job of managers was to acquire the knowledge of work that traditionally belonged to workers and to organize it so as to make it available to current and future managers. He rather optimistically referred to this as “scientific management,” by which he simply meant the organization and quantification of such knowledge as well as finding “the one best way” to perform tasks.

Scientific management principles influenced the federal public administration for the better part of the twentieth century. In particular, the Civil Service Commission (established in 1908) adopted an extensive employee classification system based on a report by American consultants (Dawson, 1929).

Recent International Influences

Toward the end of the twentieth century and into this century, public administration in Canada has been influenced by new international theories of public sector reform. As the public sector expanded after World War II, it became more costly and complex. The Whitehall model of bureaucracy adopted in many parliamentary systems was just not designed to be so large, and the traditional controls exercised by the elected governments were not adequate to ensure that the public sector remained responsive to its policy directives. The political executive turned to reforms that were intended to ensure that it remained in control.

In the 1980s and 1990s, one major reform, New Public Management (NPM) developed out of an international drive for more efficient and effective bureaucracies. It was followed by New Public Governance (NPG), which arose in response to the perception that the state was limited in its ability to resolve complex and multifaceted social and economic problems. The principles introduced by NPM and NPG now coexist uneasily in the most recent set of reforms known as deliverology. These are discussed briefly below.

Based on ideas and practices from Britain, the United States, and New Zealand, **New Public Management (NPM)** is the adaptation of the practices of private business to the administrative activities of government. (See Table 15-2.) NPM emerged as the result of two overlapping influences: rational choice theory and principal-agent theory. As discussed in Chapter 7, rational choice theory (also known as public choice theory) assumes that all individuals, including bureaucrats, are self-interested. **Principal-agent theory** is based on the idea that the bureaucrat (the nominal agent, or “servant”) who is supposed to follow the will of the principal (the minister or the legislature) often uses specialized knowledge to thwart this arrangement. The emphasis of NPM was on establishing institutional and behavioural counters to these two alleged tendencies.

New Public Management (NPM)

The adoption of the practices of private business in the administrative activities of government.

Principal-Agent Theory

A theory based on the idea that the bureaucrat, who is supposed to follow the will of the minister or the legislature, often uses specialized knowledge to thwart this arrangement.

¹ The term “scientific management” was coined by lawyer Louis D. Brandeis in hearings before the Interstate Commerce Commission.

Table 15-2 Principles of NPM Versus Bureaucratic Government

Principles of New Public Management (NPM)	Traditional Bureaucratic Government
Entrepreneurial government	Emphasis on spending
Steering rather than rowing	Concentration on one or a few governing instruments (or means)
Competition	Monopoly
Performance measurement	Rule-driven
Customer-driven government	Ministerial responsibility
Decentralization	Centralization
Market orientation	Command and control
Empowerment	Service

Other factors were at play as well. Ideologues such as British Conservative Prime Minister Margaret Thatcher and U.S. Republican President Ronald Reagan convinced many people that behind poorly performing governments were self-serving public servants who in some areas had scaled the heights of power and needed to be checked. The book *Reinventing Government* by David Osborne and Ted Gaebler (1992) was key to popularizing entrepreneurial government in Canada. In particular, Osborne and Gaebler argued that governing should involve “steering”—setting the policy direction—rather than “rowing”—delivering services that should be contracted out to private business as much as possible. For example, under the auspices of NPM, the Nielsen Task Force on Program Review (1985) was created by Prime Minister Brian Mulroney to use private sector expertise to review all government programs and advise on which ones could be cutback or better delivered by the private sector as part of a cost-cutting exercise. In a similar way, the Alberta government privatized the sale of liquor, ending government control in 1993. NPM was seen as the opposite of the traditional bureaucratic form of government. In fact, it was hailed as an antidote to bureaucratic ills, which, it was claimed, resulted in inefficient governing and poor service delivery.

Under the later variants of NPM, **Results-Based Budgeting (RBB)** and **Results-Based Management (RBM)**, conscious efforts were made to restore clearer lines of accountability and responsibility by drawing stronger connections between the results of the policy process and service delivery and the mandates and revenue raising capacities of government (Richards, Gallo, & Kronick, 2017). RBM emphasized a participatory and team-based approach to management, with managers responsible for the efficient delivery of key policy objectives. RBB was a subset of RBM, which allocated the budget to achieve defined priorities, objectives, and results (Besrest, 2012; Organisation for Economic Cooperation and Development, 2010). Audits, evaluation, incentives, and performance measures became means of checking results against government objectives. The state’s emphasis moved from procedural effectiveness and fairness to ensuring that results were achieved in a cost-effective and efficient way that was measured (Osborne & Gaebler, 1992). Under NPM, governments aspired to be leaner, more effective steering organizations.

New Public Governance (NPG)

New Public Governance (NPG) arose out of and yet in contrast to NPM. Rather than focusing on the internal operations of government, NPG emphasizes the tools, or instruments, intended to achieve policy results. Networks comprising the public, private, and non-profit sectors were an effective means of catalyzing the state into action and achieving results, particularly as the autonomy of the public sector from

Results-Based Budgeting (RBB)

A participatory and team-based approach to public sector management, with managers responsible for the efficient delivery of key policy objectives.

Results-Based Management (RBM)

A subset of RBM that allocated the budget to achieve defined priorities, objectives, and results.

New Public Governance (NPG)

An approach that emphasizes the tools or instruments intended to achieve policy results, in particular, networks comprising the public, private, and nonprofit sectors.

government hierarchy and control increased (Osborne, 2006). Collaboration and networked governance drew individuals and agencies as full contributors into the centre of decision making on policy issues or service delivery.

The core ideas of NPG include interorganizational governance driven by steering or networked leadership; the interdependence of organizations in policy design and delivery; the decentring of the state in policy, with a shared acknowledgement of expertise and knowledge of the partners; and a plurality of actors, resources, and knowledge working together in networks that are autonomous from exclusive state control and direction (Osborne, 2006; Dickinson, 2016). Partners in the networks share in the allocation of public resources and exercise of public authority. However, the networks retain some elements of hierarchy according to resources and expertise differentials. NPG departed from the private sector philosophy of NPM to emphasize collaborative governance models based on reciprocal respect, interdependence, and trust among the partners rather than on contracting and competition as the animators of relations.

The contrast between the operational philosophies of NPM, NPG, and traditional bureaucracy can be captured in the transition to digital government. Guided by the ideas of NPG, governments engaged in partnerships with private and non-profit sector partners to help them shift services online. As the opening vignette demonstrated, this shift involves establishing complex networked relationships. The Phoenix pay system was developed with IBM, a private sector partner with superior expertise and knowledge, to integrate the payroll systems across the federal government departments. In the process, government actors relinquished some control and direction to IBM. Phoenix also required Public Works to coordinate with provincial and local governments to create a central facility in Miramichi to process payments for most government departments and for designated departments to work with the centre in the transfer of records and pay services and for the integration of human resources with the new payroll services. However, it also reveals a weakness in the model of NPG: who is to be held accountable when serious problems arise? NPG requires a new form of leadership that does not mean abdicating authority but understanding which partners are responsible for what (Allen et al., 2001). Similar examples can be found with the transition of health records and information online. The networked arrangement among governments, health care providers, health sector private consultants, and semi-autonomous government agencies resulted in the e-health scandal in Ontario, when lines of accountability and responsibilities of leadership became obscured (Auditor General of Ontario, 2016).

Wicked Policy Problems

They are resistant to solutions because they are multifaceted, with changing components and far-reaching externalities

Despite such difficulties, NPG is especially well designed for addressing “**wicked**” **policy problems**. These problems are resistant to solutions because they are multifaceted, with changing components and far-reaching externalities (Klijn, 2012). What is required is multiple sets of skills and perspectives to break through the barriers to resolution. One sector possesses insufficient knowledge to define and decipher these problems. In these situations, NPG is a means of overcoming bureaucratic paralysis, lethargy, or intransigence through building strategic alliances and partnerships with organizations from the private and non-profit sectors. For example, to address the perceived potential problem of drug-impaired driving in the wake of the legalization of cannabis in Canada, the federal government can strengthen the criminal code provisions on impaired driving, increase the powers of law enforcement officials, and engage in public education, but it will also rely on partners in the private (wine, beer, alcohol companies, restaurants), nonprofit (MADD, Operation Red Nose), and quasi-public (health providers) sectors as well as provincial and territorial governments and community clubs and organizations to ensure public compliance with safe practices. A complex network is created to nudge citizens into the desired behaviour.

Some scholars are critical of the implications of the mix of NPM and NPG. Helen Dickinson (2016) maintains that NPM has left its imprint on NPG, with serious consequences for nonprofit partners and civil society. Most notably, the governance emphasis on horizontality and collaboration has not resulted in a relinquishing of state control over society. Instead, the softer policy instruments, such as **nudging**, may be an indirect but effective means of exercising control (Thaler & Sunstein, 2008). Dickinson argues that relations take place in the “shadow of hierarchy,” meaning that governments still set the rules of interactions that shape the behaviours of partners and society. The steering role associated with NPM is still present in the use of state resources to fund relations and effect changes.

According to this view, the state embodies a form of hybrid governance that incorporates various arrangements from these NPM and NPG reforms. The results are that

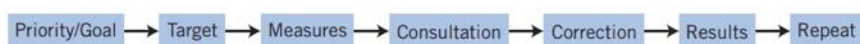
- individual agency is underestimated;
- relationships and collaborations are in constant flux and renegotiation;
- sector values are under pressure as new values are created by state actions and incentives resulting in mission drift; and, finally,
- the public and non-profit sectors will increasingly need to focus on relational aspects of service delivery including trust and legitimacy and not just efficiency and effectiveness.

In sum, the hybrid state is much more complex to navigate.

Deliverology

Deliverology is a hybrid operational philosophy. It developed out of the framework of NPM and its variants of RBM and RBB, with the focus on results, evidence-based policy making, measurement, efficiency, and effectiveness. It also incorporates elements of NPG by adopting models of policy making and service delivery that are less hierarchical and more collaborative than the traditional command and control model of policy making associated with the Westminster model. As explained below, deliverology was designed to circumvent the limits of the state in resolving polycentric and complex policy problems through management reforms as well as by drawing external expertise into the heart of policy decision making.

In *How to Run a Government so that Citizens Benefit and Taxpayers Don't Go Crazy*, Michael Barber (2015) states that the deliverology approach to managing reform initiatives in government emphasizes policy execution to ensure that policy objectives of elected governments are achieved effectively and efficiently. This approach involves following key steps. First, a government needs strong central leadership with clearly defined priorities. This involves the prime minister and cabinet ministers providing clear mandates to their departments based on the policies and objectives of government as defined in their electoral platform. Second, departments must engage in strategic planning exercises and set clear targets for achieving those objectives. Third, clear methods of measurements and benchmarking ensure that departments stay on track and gauge their progress toward the objectives. Consultations with end-users provide feedback so that necessary corrections can be made in the process but without losing sight of the original objectives and priorities. Finally, results are assessed in relation to the policy priorities and objectives and relayed back to the centre. The entire process is iterative, linking the needs of the public with the objectives of the executive. In sum, the process is



Nudging

Nudging is a means used by state actors to influence the behaviour of people and organizations without coercing them.

Deliverology

Deliverology is a hybrid operational philosophy with a focus on policy results, evidence-based policy making, measurement, efficiency, and effectiveness.

Federal Justice Minister Jody Wilson-Raybould, centre left, and Deputy Justice Minister Nathalie Drouin, left, prepare to discuss the legalization of cannabis at a 2017 meeting of federal, provincial, and territorial ministers responsible for justice and public safety. Alberta Justice Minister Kathleen Ganley is seated to the right.



As part of this process, Barber recommends the creation of policy development units (PDUs). The purpose of these bodies, located in the central machinery of government and/or in the government departments, is to provide clarity and to measure progress made on policy objectives. To paraphrase Barber, PDUs apply pressure gently but relentlessly to ensure that the government achieves its results, in part by providing timely nudges to policy actors to focus on the government-defined goals. Independent of the units implementing the policies, PDUs provide indirect policy leadership and monitor progress on policy problems to ensure that departments do not get sidetracked or stalled from achieving the desired outcomes of the political leadership.

Barber borrowed the idea of laboratories from the private sector as an integral part of this approach to managing change and ensuring that governments could implement new ideas and methods of proceeding (Barber, 2015, pp. 114–116). These “labs,” organized under policy objectives, brought together individuals from the relevant fields in government and the private and non-profit sectors to brainstorm on policy ideas and emerge with solutions and plans of actions in a specified period of time. Labs tend to operate using either traditional scientific techniques of experimentation, testing, and verification or design thinking (empathize, define, ideate, prototype, test, implement). The virtue of the labs was that they were means of shifting performance indicators and breaking through bureaucratic lethargy or apathy to change.

Canadian Development

Although influenced by British and American ideas, the Canadian public bureaucracy has developed, to some extent, in its own way. Until 1917, only nominal attention was paid to the merit principle (the right person for a specific job) and more to patronage (a public service job seen as a political favour to be bestowed on those who supported the governing party). For the next 50 years (1918–1967), the merit-system-focused Whitehall model largely dominated. Since 1967, collective bargaining by public service unions and the adoption of the Charter of Rights and Freedoms have modified the Whitehall model further. For example, strict restrictions on the political activities of public servants to maintain their political neutrality were struck down by the Supreme Court as a violation of the freedoms protected by the Charter.

NPM and NPG have also had an effect on the development of the Canadian public service—although not to the same extent as in some other countries. Deliverology has

been adopted as the operational philosophy of the Justin Trudeau government. It is too soon to know if it will last as an operational philosophy, but, like NPM and NPG, it will leave its imprint on future reforms.

The long-term effect of all of these developments is the current blend of rights-based, bargaining-based, entrepreneurial-based, results-based public sector management with an important emphasis on cross-sectoral collaboration. The move from traditional public administration and management to public sector governance reflects the complexity of managing and responding to complex social and economic problems.

Executive Institutions

15.2 Provide a general overview of the functions of executive institutions.

People often think of bureaucracy as involving the standard public service, with the employees in each department answering to a cabinet minister. However, there are many kinds of bureaucracies, and only one kind answers to ministers. The three powers, or branches, of government—Parliament, the executive (prime minister and cabinet), and the judiciary—each has its own bureaucracies, with a variety of specific aspects.

Executive institutions fall into three categories:

1. Executive departments headed by cabinet ministers
2. Semi-independent public agencies: Crown corporations and assorted agencies, boards, and commissions
3. Alternative service delivery (ASD), a variety of different methods for delivering public services

Executive Departments Headed by Cabinet Ministers

Ministers preside over **executive departments**. Executive departments are those listed in Schedule I of the Financial Administration Act (FAA), a list that may be amended only by Parliament and not at the discretion of the minister or cabinet. Departments are financed through parliamentary appropriations. Ministers, in the language of most of the acts creating departments, have “direction and management” of the department. According to convention, ministers are individually responsible to Parliament for implementing the mandate that is conferred upon them in the Act.

A minister may be responsible to Parliament for personnel management, staffing, and the finances of the department but does not in fact exercise direct responsibility over the employees or finances of the department. The Public Service Commission is given exclusive responsibility for the staffing of departments under the Public Service Employment Act, which came into effect in 2005. This power is often delegated, but it is delegated to the deputy minister, not to the minister of the department. Personnel management other than staffing is the responsibility of the Treasury Board and the department’s deputy minister, not the minister. Similarly, control over financial administration is shared between the Treasury Board and the department’s deputy minister under the Financial Administration Act, and the minister is excluded. These provisions operate to reinforce the principles of a merit-based, politically neutral public service.

Semi-Independent Public Agencies

The **semi-independent public agency**, the second type of executive institution, differs from its departmental counterpart in important ways. Although both have a designated minister, Parliament does not usually scrutinize the agency’s affairs to the same extent. Ministers will generally submit less readily to questioning in the House of

Executive Departments

Organizations headed by cabinet ministers.

Semi-Independent Public Agency

A government organization that has a degree of independence from executive controls and parliamentary scrutiny.

Commons on matters related to boards, commissions, or Crown corporations. These agencies generally have more freedom from central controls in their budgeting and staffing practices. Some are advisory agencies; some perform regulatory functions; and some engage in commercial or business activities—all activities that are rare for departments to perform.

CROWN CORPORATIONS Crown corporations are legal entities set up by the government to pursue commercial or other public policy objectives. The type of Crown corporation most Canadians are familiar with is called a parent Crown corporation. Some of these affect Canadians directly every day, such as the Canadian Broadcasting Corporation (CBC), Marine Atlantic, or the Bank of Canada, whereas others have a more indirect impact, such as the Business Development Bank of Canada, Atomic Energy of Canada, and the International Development Research Centre. A parent Crown corporation is a legally distinct entity wholly owned by the Crown and managed by a board of directors. The mandate, powers, and objectives of the corporation are set out in one of two ways: (1) there is special legislation constituting the parent Crown corporation, or (2) the mandate, powers, and objectives are set out in the “articles of incorporation” under the Canada Business Corporations Act.

Crown corporations report through specific ministers to Parliament, but the relationship between corporation and minister is not as close or direct as is the case with ministers and departments. The reason the Crown corporations came into existence in the first place was to free them from the rules and political control that are evident in the regular bureaucracy. However, the arm’s-length relationship raises difficulties for those used to thinking in terms of the orthodox doctrine of ministerial responsibility, where the minister is responsible for all matters administrative and political.

Parliament has dealt with this problem in various reform efforts over the past several decades. There have been three major versions of accountability frameworks for Crown corporations, namely, the amendments to the Financial Administration Acts of 1951, 1984, and 2006. They outline other mechanisms for oversight and accountability for the Crown corporations. All Crown corporations have to prepare financial statements, and most of them are subject to annual audits of their financial statements by the auditor general of Canada. Since 1984, most have been required to submit to value-for-money audits, known as “special examinations,” at least once every five years.

The Federal Accountability Act of 2006 anticipated the establishment of a Public Appointments Commission to assure merit-based appointments to government boards, commissions, and agencies. However, this commission never functioned and was eliminated in 2012. Thus, the Harper government continued to make a number of appointments on a patronage basis. While the Trudeau government has announced its commitment to a transparent, merit-based appointment process, by the end of 2017 there were a record number of unfilled positions. The Act also extended the Access to Information Act to cover all Crown corporations, officers of Parliament, and foundations. However, some Crown corporations, such as the Canadian Broadcasting Corporation, have been reluctant to comply fully with the Access to Information Act. The Act also removed the government’s power to exempt Crown corporations from the Public Servants Disclosure Protection Act, its “whistleblower” legislation. As well, it split the position of CEO and chair of the board for Crown corporations, making the former the only representative of management to the board; it also restricted public servants from participating on Crown corporation boards.

In 2013, the Harper Conservative government altered the arm’s-length relationship between government and the CBC and three other Crown corporations (the Canada Council for the Arts, the National Arts Centre, and International Development Research Centre) by giving cabinet control over their collective bargaining. The Financial

Administration Act was amended, by means of a budget implementation bill, to require the Treasury Board to approve the corporations' collective bargaining approach and collective agreements reached through such bargaining (Naumetz, 2013). In 2018, the Trudeau Liberal government faced a dilemma over whether or not it should enact legislation to end a rotating strike by Canada Post workers. In the face of the threatened legislation, Canadian Union of Postal Workers members occupied the offices of the ministers of Finance, Innovation, and Environment, decrying the legislation as a threat to their rights of collective bargaining.

ABCs A wide variety of agencies, boards, and commissions (ABCs) serve a number of functions, which may overlap to a large extent. They may have adjudicative roles, such as the role played by the Canadian Human Rights Tribunal, which decides cases arising from the Canadian Human Rights Act. Some regulate particular industries. (See Box 15-1: Dodging the Financial Crisis: The Regulation of Canada's Financial Institutions.) For example, the Canadian Radio-television and Telecommunications Commission (CRTC) determines which companies can have broadcasting licences and sets requirements for Canadian content in the broadcast media. Some of the CRTC's decisions have been controversial, such as refusing to renew the licence of Quebec City's popular CHOI-FM in 2004 over failure to comply with radio regulations governing offensive language. Also controversial was the licensing in 2005 of two satellite radio services, Canadian Satellite Radio and Sirius Canada, without the normal Canadian content controls.

Other agencies have operating responsibilities, like those undertaken by the Canadian Food Inspection Agency, whose mandate is to safeguard food, animals, and plants and to provide overall consumer protection. Some federal agencies have research responsibilities. For example, the National Research Council (NRC) conducts scientific research and development. Others combine research and funding responsibilities. For example, the Canada Council for the Arts, the federal government's arm's-length arts funding agency, provides funding to artists, endowments, and arts organizations and performs research, communications, and arts promotion activities.

Various rationales have been offered for the use of the agencies, boards, and commissions that generally operate at arm's length from government. One common rationale for the non-departmental form has been the alleged inability of departments to undertake business functions or similar activities and the need for the organizational flexibility that these independent agencies provide. Some agencies have been set up in part to allow for freedom in personnel and wage policy that supposedly would not have been possible with directions by the Public Service Commission or the Treasury Board. As well, businesspeople and certain researchers may feel uneasy in highly organized departmental structures and prefer to join organizations that are less foreign to their experience and more open to expressions of opinion.

A second reason cited is the need to take some functions away from the controversial political arena. Some functions might be inefficient if too much political interference were allowed. It is argued that pricing policies, monetary policy, capital installation locations, and extension of services should be decided in a non-partisan environment.

A third related justification is to remove quasi-judicial functions from the political realm so that a specialized impartial body with no particular interest in the outcome can make the decisions after holding hearings in a court-like manner.

Other reasons for adopting the non-departmental form include the desire to have an "umbrella organization" to deliver services that involve different government departments or different levels of government. For example, the Canada Revenue Agency was transformed from a department (Revenue Canada) to agency status in 1999. This agency administers federal, provincial, and territorial tax programs and other services. It is managed by a board of management with 15 members appointed by the cabinet, 11 of whom are nominated by the provinces and territories.

Box 15-1 Dodging the Financial Crisis: The Regulation of Canada's Financial Institutions

In 2008, the world was hit hard by a financial crisis that began in the United States with the bankruptcy of Lehman Brothers, one of the world's leading financial institutions. Within weeks, long-standing major banks and other financial institutions around the world faced bankruptcy and either failed or had to be bailed out by government. In many countries, the wave of deregulation of the financial industry in the 1980s and 1990s had allowed major financial institutions to make complex, highly speculative investments that collapsed like a house of cards in 2008.

Fortunately, Canadian banks came out of the 2008–2009 financial crisis intact. Indeed, Canada has not had a bank failure since 1985. Although Canada also engaged in deregulation, Canadian banks have been encouraged to be cautious by maintaining substantial capital reserves.

The primary agent for regulating financial institutions is the Office of the Superintendent of Financial Institutions (OSFI), created in 1987 and led from 2007 to 2014 by Julie Dickson. She was replaced by Jeremy Rudin, an ex-academic economist and most recently the assistant deputy minister of the financial sector branch of the department of finance. The OSFI, an independent agency of the Canadian government that reports to Parliament through the minister of finance, regulates federally chartered financial institutions. This means that all banks and federally incorporated or registered trust and loan companies, cooperative credit associations, and insurance companies fall under its purview. The agency also regulates federally administered pension plans. Its mandate is to protect the policyholders, depositors, and pension plan members from financial loss.

The OSFI often takes a tough-love approach. Dickson discussed best practices with the banks, and they usually took the hint. However, the OSFI can discipline a bank by requiring it to change its business plan, acquire more capital, or by taking control of its assets.

The OSFI does not act in a vacuum. Its mandate is financial institutions, but the management of the larger financial sector falls to a group composed of the finance minister, an associate deputy minister in finance, the chief executive officers of Canada's largest financial institutions, and the superintendent of financial institutions. Each of these members represents different facets of financial policy. But much of the credit for the strong financial reserves that allowed the banks to weather the crisis of 2008–2009 goes to Dickson, according to *Report on Business* magazine (Perkins, 2009). Charged with overseeing the Canada Mortgage and Housing Corporation, the OSFI pays special attention to monitoring the housing market, which the Bank of Canada has singled out as the largest current risk to the Canadian economy and financial system (Perkins & Carmichael, 2014).

Others, however, see the situation differently. Although Canada avoided the collapse of banks experienced by other countries, the Canadian government assisted the banks by purchasing about \$75 billion of the mortgage loans they held. As Russell Williams (2009) points out, there is a huge gap in the regulatory framework for activities of Canadian financial institutions engaged in securities trading. No regulations were in place to prevent Canadian banks from investing heavily, as did American financial institutions, in highly risky investments. It was “simply lucky they did not,” as monitoring of the banks' holdings is insufficient (p. 50). Since then, the OSFI has worked with the banks to strengthen the risk management measures in the industry.

Looking back, some analysts, including the former prime minister of Canada, attribute the lack of the rise of populism in Canada compared with the United States and Europe to the skillful handling of the 2008 financial crisis here (Harper, 2018). The regulatory structures seem to have served Canadians well both in the crisis and in its aftermath.

Alternative Service Delivery (ASD)

Alternative Service Delivery

Methods of delivering government services apart from the use of traditional departments and agencies, with the goal of making government more businesslike and responsive to the needs of the recipients of services.

The third kind of executive organization, **alternative service delivery (ASD)**, is aimed particularly at improving the delivery of government services, reducing the role of government, increasing flexibility, improving coordination among government departments and programs, and generally making government more businesslike and responsive to the needs of the recipients of services. This approach may include establishing new organizational forms within departments or outside traditional departmental structures, termed special operating agencies (such as the self-financing Passport Canada). Alternative service delivery may also involve setting up partnerships with business and voluntary non-governmental organizations, commercializing the provision of services, or contracting out services to private business or to former government employees (Inwood, 2009). Overall, ASD can mean turning to unusual organizational forms and instruments that do not fit the traditional view of government instruments.

Executive Departments

15.3a Provide a general overview of the staff who work for the three types of executive departments.

15.3b Discuss and distinguish between central agencies and central departments.

Three types of executive government departments exist to carry out the main functions of government:

1. Central agencies and central departments
2. Central coordinating departments
3. Line departments

Central Agencies and Central Departments

Central agencies, such as the Privy Council Office (PCO) and the Prime Minister's Office (PMO), are headed by the prime minister and perform service-wide policy, facilitative, and control functions. Their authority comes from the statutory and conventional authority of cabinet itself, and their roles are to assist the prime minister directly and to help with the setting of objectives by cabinet. They have a formal or informal right to intervene in or otherwise influence the activities of departments.

The **central departments** (Department of Finance and the Treasury Board Secretariat) also perform these service-wide functions, but they are headed by ministers rather than by the prime minister; their authority comes from statute; and their objectives are usually collectively set or influenced by cabinet. They also have the right to intervene in or otherwise influence the activities of other departments. The term "central agency" is often used to refer to both types of structures. However, differentiating between the two can be useful, since one type, central agencies, provides a venue for direct prime ministerial power and the other, central departments, does not. In fact, one of the central departments, Finance, occasionally jockey with the prime minister and the central agencies for relative influence.

In contrast, **line departments** are charged with delivering the basic services of government, such as health and defence. Line departments do not normally have a mandate to intervene in the affairs of other departments. Although the central agencies and central departments exert great influence over government policies and actions, they do not have as large a staff or budget as most government departments do. Despite their importance, the central agencies and central departments are the organs of government that parliamentarians (and most Canadians) know least about and whose workings are the least transparent, compared with the others.

The Prime Minister's Office

The **Prime Minister's Office** (pm.gc.ca) gives partisan political advice to the prime minister and is staffed by supporters of the party in power, although they are hired under the Public Service Employment Act. They are classified as "exempt staff" or "ministerial staff" in order to free them from normal public service hiring practices.² The reasoning behind this is that the prime minister's government was elected to set a certain political direction for the country. The prime minister thus needs a loyal group to monitor conformity to the program. The PMO has the following functions, among others:

1. Advising on political strategy and the political implications of new policy initiatives
2. Advising on the prime minister's senior appointments

Central Agencies

The Prime Minister's Office and the Privy Council Office, which provide direct assistance to the prime minister and facilitate the setting of objectives by cabinet.

Central Departments

The Department of Finance and the Treasury Board Secretariat, which, along with the central agencies, advise cabinet and its committees and influence the direction and policies of the government.

Line Departments

Departments that deliver the basic programs and services of government.

Prime Minister's Office

Provides partisan political advice to the prime minister and is staffed by supporters of the party in power.

² Each cabinet minister also has a small political staff separate from the public servants in the department.

3. Organizing the prime minister's correspondence, media relations, speeches, and timetable
4. Liaising with ministers, members of caucus, and national party officials

The Privy Council Office

Privy Council Office

The central agency that provides non-partisan policy advice to the prime minister and cabinet.

Deputy Minister

The administrative head of a department and the link between the minister, who is politically responsible for the department, and the non-partisan public servants in the department.

The **Privy Council Office** (www.pco-bcp.gc.ca) is the central agency that provides non-partisan policy advice to the prime minister and cabinet.³ It serves as the secretariat for the cabinet and its committees and provides specialized public policy advice to the prime minister. It is responsible for ensuring that the cabinet decision-making process runs smoothly and that the government's agenda is implemented. It is also the main designer and adviser for machinery-of-government issues (meaning the design of major structures like departments and agencies) and tries to "foster a high-performing and accountable Public Service" (Privy Council Office, 2007). The head of the PCO advises the prime minister on the appointment of each **deputy minister**, who functions as the administrative head of a department and provides the link between the minister, who is politically responsible for the department, and the non-partisan public servants in the department. Finally, the PCO coordinates the federal government's strategy in federal-provincial and territorial relations.

The head of the Privy Council is the clerk of the Privy Council, who serves as the prime minister's deputy minister, the secretary to the cabinet, and the head of the public service. (See Box 15-2: Master Multi-Tasker: The Duties of the Clerk of the Privy Council.) The designation "head of the public service" has been in place since the early 1990s to provide leadership for the public service of Canada. As head of the public service, the clerk is responsible for matters relating to public service renewal, for representing the public service to the politicians and to the public, and for issuing an annual report on the status of the public service. The "public service" means the core public administration—the employees of the departments as well as some agencies such as the Canada Revenue Agency, the Parks Canada Agency, the Canadian Food Inspection Agency, and the National Research Council Canada.

Treasury Board Secretariat

The Treasury Board Secretariat (TBS) is a central department, rather than a central agency, that serves the central management board for the public service, the Treasury Board. The Treasury Board establishment and mandate are outlined in the Financial Administration Act, which gives the department responsibility for general administrative policy, financial management, human resources management, internal audit, and public service pensions and benefit programs. It also has responsibilities under a number of other acts, such as the Public Service Employment Act, the Official Languages Act, the Access to Information Act, and the Employment Equity Act. In general, the responsibilities of the TBS (www.tbs-sct.gc.ca) include the following:

1. Setting management policies and monitoring performance
2. Directing expenditure management and performance information systems
3. Serving as principal employer of the public service

³ The PCO's name comes from the Queen's Privy Council for Canada, discussed in Chapter 13.

Box 15-2 Master Multi-Tasker: The Duties of the Clerk of the Privy Council

The clerk of the Privy Council is arguably the most important public servant in the government of Canada. It falls to the clerk to set the “tone at the top” for the public service, to keep it working smoothly, and to rally it behind the efforts of the current government.

Kevin G. Lynch is a good example of what an individual clerk is relied upon to do. He was appointed in February 2006 in the new Harper government. Even though new prime ministers often appoint new clerks when they come to office, the latter are expected to be non-partisan and to “speak truth to power.” This was the case with Kevin Lynch, say Ottawa insiders. He, as most good clerks have to do, balanced the wants of the government with the needs of the public administration that served it.

Few clerks have had to operate in such a turbulent public policy environment. As the world reeled from an international financial crisis in 2008, the worst since the Depression of the 1930s, Lynch worked with the prime minister and the finance department, where he had previously been deputy minister, to design and implement a wide-ranging stimulus package. The year before, he had worked with the same people to manage a crisis in asset-backed commercial paper and to help design the tax reductions that had played a key role in the new government’s program.

Lynch also took responsibility for overseeing Canada’s involvement in the Afghanistan war, the most intense military conflict the country had seen in a half century. In addition, he is often identified with changing the “foreign affairs focus from Africa and Europe to the Americas ... pushing strengthened ties to the US and [focusing] on rebuilding Canada’s Arctic infrastructure” (Laghi, 2009).

One area closely monitored by clerks of the Privy Council Office is the health of the nation’s public service. Lynch was no exception. He launched a public service renewal exercise, convinced his political masters to boost federal recruitment

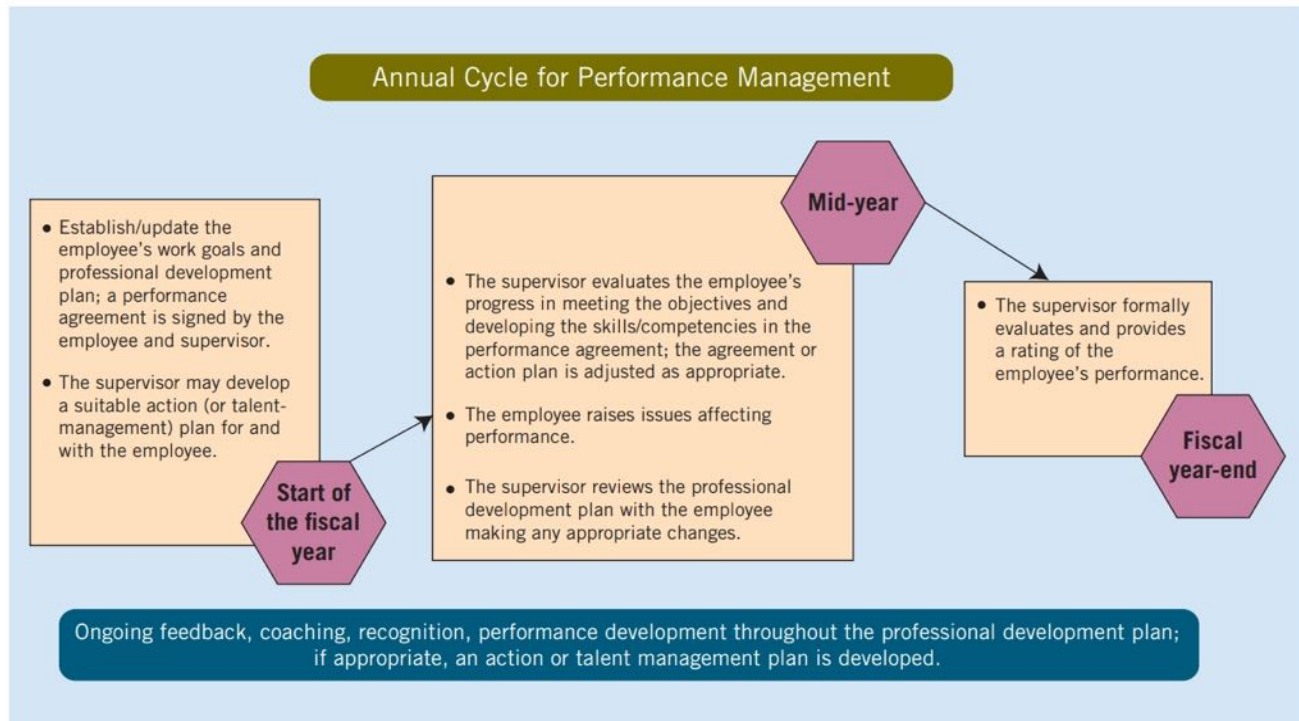
efforts, and reorganized the human resources function with the help of outside advisers.

If this seems like an exercise in multi-tasking, that’s exactly what it is. Clerks know that the longest they will be in their position is about three or four years, the average length of service for the office. When Lynch retired in 2009, after 33 years in the public service, his legacy was secure.

Wayne G. Wouters replaced Lynch. A consensus-building official with more than 30 years of experience in the federal public service, he faced a different set of challenges. Early on, he committed himself to dealing with the demographic renewal of the service as many public servants retired. Wouters was followed by Janice Charette, the former deputy clerk for the Privy Council and associate secretary to the cabinet, and deputy minister of inter-governmental affairs. Charette adeptly managed the smooth transition from the Harper Conservative government to the Trudeau Liberal government. Then, until early 2019, the position was occupied by Michael Wernick, who was previously the deputy minister for Aboriginal (now Indigenous) Affairs and Northern Development, experience that served him well as the top civil servant when two important government initiatives were launched: the Missing and Murdered Indigenous Women and Girls Inquiry and the redefinition of the relationship between the federal government and Indigenous peoples. Wernick resigned and stepped down in April 2019 after his impartiality was called into question by the Conservative and New Democratic Party parties following his testimony in the SNC-Lavalin controversy. He was replaced by Ian Shugart, a long-time public servant and former deputy minister of Foreign Affairs.

The point is that for all the similarities in their mandates, the challenges and contributions of each clerk are unique. The prime minister must choose these public servants very carefully.

The establishment in 2009 of the Office of the Chief Human Resources Officer (OCHRO) within the Treasury Board Secretariat centralizes human resources policy (hiring and managing people in the public service), which had been scattered across different organizations for several decades. The OCHRO represents the Canadian government as the “employer” in relations with public service employees and deals with all aspects of salaries and benefits. It also develops broad performance indicator framework policies (see Figure 15-1), analyzes basic data on the public service, and provides leadership in human resources management. Within the policy framework of legislation and the OCHRO, the deputy ministers take responsibility for human resources management in their own departments. TBS, along with Public Works and Procurement Canada, has been at the centre of the Phoenix pay fiasco outlined in the opening vignette.

Figure 15-1 Performance Management Annual Cycle

SOURCE: Government of Canada Performance Management for Employees, TBS, OCHRO. Retrieved from <https://www.canada.ca/en/treasury-board-secretariat/services/performance-talent-management/performance-management-program-employees.html>

The Department of Finance

Finance is often considered the most influential department in the government. It directly and indirectly affects everything that happens in government. It helps prepare the annual federal budget, which dictates whether government expenditure in general will be expansionary, stay-the-course, or restrictive. Finance is also instrumental in

- developing taxes and tariffs;
- arranging federal borrowing;
- advising on and managing transfer payments to provincial and territorial governments;
- representing Canada within international financial institutions such as the International Monetary Fund, the World Trade Organization, and the World Bank; and
- acting as the government's analytic think tank with regard to major economic issues.

The finance minister has responsibilities that touch many areas. Although each of these responsibilities is of great significance, the annual federal budget is undoubtedly the one that matters most to the majority of ordinary Canadians. The pre-eminent role of finance is evident in the construction of the budget. David Good says that outsiders view the budget as one item, but federal insiders view it as comprising five separate parts, four of which are the direct responsibility of finance: major transfer payments to individuals (e.g., benefits to the elderly and employment insurance); major transfer payments to provincial and territorial governments (the Canada Health Transfer, the Canada Social Transfer, and equalization payments); public debt charges; and tax expenditures (tax breaks, such as the Registered Education Savings Plan, designed to achieve a policy objective). The Treasury Board Secretariat oversees operating and

other expenditures, but “in the words of a senior official, these operating and other expenditures are ‘really a residual category’ and are what officials refer to as the ‘small p’ programs of government” (Good, 2007, p. 46). So, it is finance that has the major share of some of the most important transfer and economic programs, as well as playing an important budgeting role.

Central Coordinating Departments

In addition to the central agencies and central departments that are key actors in virtually all policy decisions and play a major role in coordinating government decisions, there are central coordinating departments that also have a coordinating role. For example, the department of justice has been responsible for “Charter-proofing” federal legislative proposals (i.e., trying to ensure that they will not be struck down by the courts as a violation of the Charter of Rights and Freedoms), either by itself or by providing guidelines to the legal services units in government departments. Likewise, the minister (in effect, the department) of public works and government services is allocated exclusive jurisdiction under the Department of Public Works and Government Services Act of 1996 and under the Defence Production Act of 1985 to procure goods for other departments, as well as for the armed forces.

Line Departments

Line departments are the third type of organization found in the executive government. They function as the backbone of government, delivering most of what we have come to expect in the way of services from government, from the military to the protection of aviation. As noted, they do not usually intervene in the affairs of other departments.

Line departments have often been portrayed as the drab, unexciting area of government. They are said to be the most driven by bureaucratic rules, the most dominated by politicians—their own ministers and the prime minister—and the most in need of, but at the same time the most deeply resistant to, basic reform. A.W. Johnson (1992) noted that between the 1960s and the early 1990s there was at least “one new major push for reform every three to five years” (p. 7). Even the Privy Council felt compelled to note, in an internal paper, that a few perennial themes seem to have dominated the public administration landscape since the early 1960s. From a human resources (HR) management perspective, frustrations over cumbersome and inflexible staffing mechanisms or the lack of integrated HR and business planning echo across the generations. At a broader level, there has been an almost constant tension between the need for rigorous accountability on one hand and the desire for creative and flexible management on the other (Privy Council Office, 2007).

Some academics have contributed to this view of the federal line bureaucracy as being overwhelmed with paperwork and rules. Savoie (2008) describes it thus:

Reports of one kind or another, performance measurement schemes, management targets, horizontal government, oversight bodies, major developments in IT (information technology), political crises (often caused by information obtained through access to information legislation), a much more aggressive media, whistle-blowing legislation, an emphasis on managing publicly not privately, constantly changing priorities, collective bargaining, and unionized workers operating in a world with no bottom line ... [no wonder] Front-line managers and workers firmly believe that getting things done is much more difficult today than it was forty years ago. (p. 223)

However, others consider the line bureaucracy as a more independent and a more challenging place to work. Some theorists of the rational-choice school, or those who are attracted by the principal-agent theory, see the average bureaucrat as a significant

power-seeking agent, one whose nominal superiors do not under normal circumstances have enough information or resources to control their employees. The move to the NPM approach to public sector organization and management is a sign of just how much politicians fear the power of the bureaucracy in Canada and Britain and have tried to reassert central control (Aucoin, 1995).

The quest to reassert central control and ensure that departments comply with government priorities has been integral to the imposition of the Canadian version of Michael Barber's (2015) deliverology philosophy, known as Impact and Innovation. In Chapter 13, the creation of the Impact and Innovation Unit (IIU) in the Privy Council Office was discussed as a means of ensuring that the Liberal government's goals were implemented across departments and that new approaches to policy were integrated into government operations. Under this whole-of-government approach, the IIU works with departments to apply innovative financing approaches, new partnering methods, impact measurement and evaluation models, and behavioural insights in priority areas. Critical to this approach is the Impact Canada Initiative, under which departments issue challenges to domestic and global partners to address key policy challenges. The approach is intended to break the departments out of their tendency toward incremental policy change as government goals are achieved. As encouragement, the IIU tracks progress on all government goals in departments.

The Three Levels of Bureaucratic Elite in Departments

Three levels of bureaucratic elite exist in departments:

1. The deputy minister (DM) level (and in some departments, associate deputy ministers)
2. The assistant deputy minister appointments
3. Director-level appointments

Deputy and associate deputy ministers are called Governor in Council (GIC) appointments because they are made by the governor general upon the advice of the cabinet (acting in the name of the Privy Council). In practice, it is the prerogative of the prime minister, not the minister of the department, to appoint these individuals. In doing so, the prime minister takes into account the need to ensure that the appointees can be trusted to carry out his or her will and see to the needs of the government of the day. The clerk of the Privy Council provides advice to the prime minister on these appointments.

Despite being chosen by the prime minister and closely associated with the policies of the government, most deputy ministers are retained even when a new government is elected. The deputy minister is expected to be politically neutral and impartial—neither for the government nor against it but rather the guardian of the administrative order. The task at hand is to advise, to speak truth to power, and to supply the government with the best and most cautious information in spite of how unpalatable this may be politically. The deputy minister controls the management of the department. Although traditionally it is the minister, rather than the deputy minister, who is responsible to Parliament for the actions of the department, the Financial Administration Act (2007) has modified this tradition. Specifically, the deputy minister is the accounting officer for the department and, as such, is legally obliged to appear before parliamentary committees to report on conformity to that Act (Inwood, 2009).

More generally, the thinking about the role of the deputy minister has evolved in recent years. The public sector has lost its image both as an employer for life and as protector of the public interest. Many young entrants to the public service have an “in

and out” mentality; government is only one alternative in the menu of career opportunities. This changed image has meant that the role of deputy minister has to take on added hues. Now, the deputy minister needs to pay great attention to succession planning, corporate human resources planning, and employee engagement levels and generally needs to be sensitive to the issue of government as “employer of choice” (Dunn & Bierling, 2009).

Assistant deputy ministers generally manage branches within a department. They are merit-based positions competitively chosen in recent years by the Office of the Chief Human Resources Officer.

Directors general and directors are the third level of the administrative elite. These are also merit-based appointments and are often considered to be the “middle management” level of the federal service. Several hundred individuals operate at this level. For example, reporting to the assistant deputy minister for science and technology at Environment Canada are five directors general (water, atmospheric, wildlife and landscape, science and risk assessment, and strategies) as well as a director of the Environmental Science and Technology Centre.

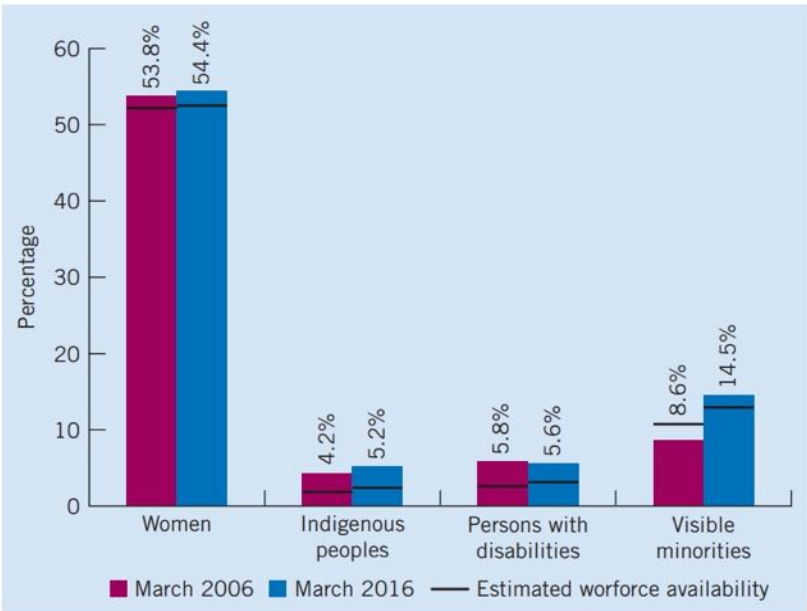
Diversity and a Representative Bureaucracy

To develop a competent, professional public service based on permanent employees, the hiring of public servants since the early twentieth century has been guided by the merit principle. That is, instead of hiring the supporters of the governing party, the public service focuses on the qualifications of candidates and uses competitive examinations in its hiring practices. However, appointments made strictly on professional merit do not necessarily result in a public service that represents the diversity of society. In fact, the public service until the 1970s consisted largely of English-speaking males of British ancestry. Since the late 1960s, efforts have been made to create a more bilingual public service able to provide government services in both English and French. As well, supporters of national unity hoped the greater presence of French speakers in the Canadian government would help to offset the growing separatist movement in Quebec. Today, about 29 percent of public servants speak French as their first language, with this number rising to 32 percent among the executive employees according to the Clerk of the Privy Council’s report on the public service (Clerk of the Privy Council, 2018).

In recent decades, the definition of merit has been changing to include representational elements. As part of this shift, efforts have continued to develop a representative bureaucracy that reflects the diversity of various aspects of Canadian society. Employment equity targets and timetables have been set up to increase the proportion of women, people with disabilities, Indigenous peoples, and visible minorities in the public service, particularly in the higher ranks. Some people have raised concerns that efforts to develop a representative bureaucracy will weaken the merit principle. However, those hired and promoted still have to meet the appropriate criteria of professional competence for their positions. Nevertheless, the requirement to hire the person “best qualified” for a position no longer exists. Instead, managers have to justify their hiring decisions in terms of the “right fit” for the job among applicants meeting the essential merit criteria. Furthermore, a deputy minister of a department has the authority to restrict the selection of hiring for a position to the members of a designated group and to include employment equity objectives as a criterion of merit (Public Service Commission, 2007).

As Figure 15-2 indicates, the public service as a whole is quite representative of the available workforce. Women are still under-represented in some positions. Nevertheless, the public service bureaucracy has become much more representative than in the past.

Figure 15-2 Representation of Employment Equity Designated Groups in the Federal Public Service Against Workforce Availability from March 31, 2006, to March 31, 2016



SOURCE: Treasury Board of Canada Secretariat. (2018c). *Employment equity in the public service of Canada 2016–2017*. Retrieved from <https://www.canada.ca/content/dam/tbs-sct/documents/reports/eepsfy-emefp/2017/eepsfy-emefp-eng.pdf>

Parliamentary Institutions

15.4 Provide a general overview of the staff who work for the parliamentary branch of government.

In the Canadian Parliament, three sets of institutional players keep the institution running: political officers, officers of Parliament, and procedural officers.

Political Officers

Political officers are not bureaucratic officers in the normal sense, but because they do some routine administrative work—administering rules, scheduling, monitoring, rendering accountability, and so forth—they might be considered part of the bureaucracy of Parliament. The political officers of the House of Commons—including parliamentary party officials such as the speaker, the deputy speaker, the party House leaders, and the party whips—have come to be known as **House officers**. These individuals are at once politicians and administrators, in the sense of making the routine machinery of Parliament work. It should be added that many of them have personnel working for them as well. The speakers, for example, have legal and financial officers attached to their offices, who assist in deciding on matters of parliamentary law and in administering the precincts of Parliament.

Officers of Parliament

Officers of Parliament, along with the offices they head, have sometimes been called “agents of Parliament,” “parliamentary watchdogs,” or the “parliamentary control bureaucracy.” Paul Thomas (2002) has described them as “independent accountability agencies created first to assist Parliament in holding ministers and the bureaucracy accountable and, second, to protect various kinds of rights of individual Canadians”

House Officers

Political officers of the House of Commons.

Officers of Parliament

Independent officials who assist Parliament in holding government accountable and protecting various rights of Canadians.

(p. 288). These are offices that serve and are responsible to the legislative branch rather than the executive, and to that end they have been freed from the normal constraints that bind the executive government.

One of the most pre-eminent of the officers of Parliament—and certainly the oldest, established in 1878—is the auditor general (AG) of Canada. The AG audits departments and agencies, most Crown corporations, and other federal organizations as well as the three territories, and the AG's reports are presented directly to Parliament. Since 1977, when the Auditor General Act was broadened to include "triple-E reporting"—commenting on whether government is implementing policies economically, efficiently, and with adequate means for judging their effectiveness (also referred to as "value for money [VFM] auditing")—the auditor's reports have become central to Canadian political life. For example, the auditor general's strong criticisms of the Phoenix pay system have spurred government action and fuelled the oppositions' critiques of the government's difficulties in remedying the situation.

Over time, the category of officers has expanded, as have some of their powers. The current list of officers is presented in Table 15-3. Although the federal level has no exact equivalent to the post of ombudsman,⁴ a post found in many provinces and other jurisdictions, some of the federal officers have quasi-ombudsman roles. In other words, they take complaints from citizens and public servants regarding the failure of government to perform duties it has taken on itself. Such analogies can be made with regard to the commissioner of official languages, the information commissioner, the privacy commissioner, and the public sector integrity commissioner.

The Harper government also created another official, who is like an officer of Parliament but not designated as such, called the parliamentary budget officer (PBO). The PBO is an independent officer of the Library of Parliament who reports to the parliamentary librarian, who, in turn, reports to speakers of both chambers. The Office of the Parliamentary Budget Officer provides non-partisan financial and economic analysis to support Parliament's oversight role and to provide budget transparency. For example, Kevin Page, the parliamentary budget officer appointed for a five-year term in 2008, issued a report in 2009 detailing the high cost of Canada's involvement in Afghanistan. As well, his office's estimate of the government's likely deficit was far greater than the official government estimate.

Issues have been raised concerning the independence and viability of this office. Unlike officers of Parliament, such as the auditor general or the chief electoral officer, whose mandate explicitly includes independence from the government of the day, there have been concerns that the parliamentary budget officer may be constrained by the parliamentary library's desire to avoid political controversy. However, in 2018, the Federal Court of Canada affirmed the independence of the PBO and its right to request a broad range of economic and financial information from government (*Page v. Mulcair*, 2013). In 2018, Yves Girouz, the former assistant commissioner and chief data officer of Canada Revenue Agency, was appointed parliamentary budget officer.

Procedural Officers of Parliament

Procedural officers of Parliament are essentially the public servants of Parliament, providing the equivalent of department-like services to the House of Commons and the Senate. The key figures in the House who furnish these services are the clerk of the House, the deputy clerk, the clerk assistant, the law clerk and parliamentary counsel, and the sergeant-at-arms. In the Senate there are similar procedural officers.

Procedural Officers of Parliament

The staff who provide services to the House of Commons and Senate.

⁴ There is, however, an Office of the Ombudsman for the Department of National Defence and the Canadian Forces.

Table 15-3 Officers of Parliament and Their Mandates

Name of Officer	Date Established	Relevant Legislation	Mandate
Auditor General of Canada	1878	Financial Administration Act, 1985; Auditor General Act, 1985	Prepares a statement for the public accounts on whether the latter represent stated federal accounting practices Prepares reports regarding VFM and whether spending fits with the purposes for which it was appropriated
Chief Electoral Officer	1920	Canada Elections Act, 2000; Fair Elections Act, 2014	Conducts federal elections Registers eligible voters Appoints election officers Supports independent boundaries commissions Pursues studies of voting methods Supervises party registration, party leadership races, political financing, and political broadcasts
Commissioner of Official Languages	1970	Official Languages Act, 1985	Ensures recognition of equality of status, rights, and privileges for English and French in federal institutions Supports the advancement of linguistic minority communities
Information Commissioner	1982	Access to Information Act, 1985	Maintains the purposes of the Act, which are to ensure availability of government information, that access exceptions are limited, and that disclosure decisions are reviewed independently Investigates complaints from citizens regarding access to government information Launches independent complaints
Privacy Commissioner	1982	Privacy Act, 1985, which applies to government's handling of personal information, and the Personal Information Protection and Electronic Documents Act, 2000, which is privacy law applying to Canada's private sector	Oversees compliance with both the Privacy Act and the Personal Information Protection and Electronic Documents Act (PIPEDA) Investigates complaints regarding illegal use or disclosure of, or denial of access to, personal information by government Monitors various privacy issues
Conflict of Interest and Ethics Commissioner	2007	Conflict of Interest Act, 2006; Parliament of Canada Act, 1985; Lobbyists Registration Act, 1985; An Act to Amend the Lobbyists Registration Act, 1993; Conflict of Interest Code for Members of the House of Commons	Administers the conflict of interest code applying to Members of the House of Commons Advises, investigates, and issues compliance orders and imposes administrative monetary penalties on public office holders under the terms of the Act
Public Sector Integrity Commissioner	2007	Public Servants Disclosure Protection Act, 2005; FAA; Federal Accountability Act, 2006	Investigates wrongdoing by public servants, recommends corrective action regarding such, and refers complaints about reprisals arising from reporting of wrongdoing to adjudication
Commissioner of Lobbying	2008	Lobbying Act, 1985, as amended 2008; Federal Accountability Act, 2006	Maintains a registry of lobbyists who register themselves under the Lobbying Act and makes such registration information public Develops a lobbyists' code of conduct Conducts investigations and ensures compliance with the code and the Act

The clerk of the House is the senior permanent official responsible for advice on the procedural aspects of the plenary (whole) House and looks after the ongoing administration of the House of Commons. The clerk of the Senate performs the same role for the Senate. The clerks' role is comparable to the role of deputy ministers in the executive departments. In the Commons, the clerk is the permanent head, responsible for the management of staff and daily operational affairs. The clerk takes direction from the speaker in relation to policy matters. In turn, the speaker takes overall direction in management from the Internal Economy Commission, an all-party committee



Geoff Howe/The CP Images

As they accompany the speaker during the ceremonial walk to start the daily session, the procedural officers and staff of the House of Commons—the sergeant-at-arms, the clerk, the law clerk, and even the page—represent the bureaucracy that supports the speaker and the House.

statutorily charged with administering the House. In parliamentary matters, within the House itself, the speaker is supreme and takes direction from no one in particular, except the will of the House.

Judicial Institutions

15.5 Provide a general overview of the staff who work for the judicial branch of government.

The Supreme Court of Canada, the Federal Court, the Federal Court of Appeal, the Tax Court, and the Court Martial Appeal Court are administered federally. Reflecting the principle of judicial independence, the administration of these courts operates at arm's length from the executive government.

The staff of the Supreme Court of Canada is headed by the registrar, who is responsible to the chief justice of the court. The registrar and deputy registrar are Governor-in-Council appointees who oversee a staff of nearly 200 public servants who manage cases and hearings; provide legal support to the judges; edit, translate, and publish judgments; manage the flow of documents; and perform a variety of other essential tasks, including operating the court library. Law clerks, normally recent law school graduates, are assigned to each justice and provide legal research assistance, while a judicial executive assistant court attendant manages the judge's office. The chief justice also has an executive legal officer to handle the media, a senior legal officer, and a legal communications officer.

Support for the four other federally administered courts is provided by the Courts Administrative Service. The chief administrator, a Governor-in-Council appointee, is responsible for the overall operations of these four courts and their staff of about 600 public servants. The chief justice of any of the four courts may issue binding directives to the chief administrator. There is also a kind of third administrative option. In addition to the above, each chief justice has authority over such matters as determining workloads and court sittings and assigning cases to judges, and may appoint a judicial administrator from among the employees of the service for such duties as establishing the time and place of court hearings.

Public Policy Role

15.6a Identify and discuss the policy stages theory and practice in government.

15.6b Discuss the policy roles of the public sector.

What is the role of the public servant in public policy discussions? In 1940, two social scientists engaged in a debate about this topic. Herman Finer (1940) maintained that the public servant should be just that, exercising no independent judgment on issues of the day and following as closely as possible the will of the legislature and political masters. Carl Friedrich (1940) held the opposite view, stating that the public official owed it to the polity to share his or her specialized knowledge in the public dialogue on issues and thereby enrich it. Such a debate still resonates. For example, sources as wide-ranging as the Canadian Science Writers' Association and Climate Action Network Canada charged that the Harper Conservative government muzzled public comments of climate and fisheries scientists and weakened the research capacity of Canada's science community.

To better understand the role of the public service in making policy, it is necessary to divide it into two separate categories. First, the policy process itself can be understood in terms of the stages or cycles used to develop policy. Second, the actual role that public servants play in providing information and support to cabinet and the prime minister further illuminates the work of the bureaucracy.

The Policy Stages (Cycles) Approach

The policy process is anything but tidy and straightforward. A number of theories or explanations of the policy process have been advanced. New and established social movements in Canada tend to operate on the basis of sociological theories and also of applied theories of policy communities and advocacy coalitions, although some depend less on contacts with government than the literature would suggest. Umbrella organizations for business interests—such as the C.D. Howe Institute, the Conference Board of Canada, the Atlantic Institute for Market Studies, the Fraser Institute, and the Frontier Centre for Public Policy—tend to use a mixture of welfare economics and public choice analysis.

However, many governments in Canada and the Commonwealth have adopted some version of the “policy stages or policy cycles” approach to public policy, as well as using some rational techniques. Still, the model is popular among analysts and governments all around the world because of its strongly utilitarian nature. It allows one to disaggregate a very complex set of phenomena and study each in considerable detail. It also corresponds closely to the way in which noted policy academics structure their work; for every stage, one can name one or more outstanding scholars offering the definitive take on it (Brewer & DeLeon, 1983). Given that this approach has also become dominant in the literature, it is the model used here to explain the policy process.

The **stages (or policy cycle) approach** sees the policy process as including a number of separate elements, or stages, that together add up to a sequence of events that unfold in logical succession in a more or less cyclical fashion, leading to the name “policy cycle.” Authors disagree on the exact nature of the stages of the policy cycle. Lasswell (1935, 1951, 1971) was at the lengthy end of the spectrum with his seven stages. So was Charles Jones, who is generally credited with popularizing the notion of stages of policy (1997), and Hoggwood and Gunn (1984): they had 10 each! The more common approach is to list five or six. Such is case with Brewer and DeLeon, who had six (initiation, estimation, selection, implementation, evaluation, and termination) (Brewer & DeLeon, 1983), and Howlett, Ramesh, and Perl (2009), who have five (agenda setting, policy formulation, decision making, policy implementation, and policy evaluation).

Stages (or Policy Cycle) Approach

An approach that sees the policy process as including a number of separate elements, or stages, that altogether add up to a sequence of events that unfold in logical succession in a more or less cyclical fashion.

The model serves as an organizing tool. One can, for example, examine a specific policy or policy area and have a ready-made research plan at hand. This is, in fact, what Hessing, Howlett, and Summerville (2005) do in their examination of Canadian resource policy and environmental policy. The authors assemble their data so as to reflect both political economy and stages (“policy cycle”) approaches, using an interdisciplinary perspective.

Stagist approaches can also serve as a tool for organizing the vast body of policy literature. Howlett, Ramesh, and Perl (2009) use the stages model to categorize a massive amount of policy-theoretic literature in a way that makes an untidy field finally manageable. Cairney (2011) uses a similar approach but adds a final step in the stages for policy revision. Table 15-4 gives a highly abbreviated summary of the dominant stages categorization of policy literature.

The “stages heuristic,” as it has sometimes been called (since it is a guide to further examination or research), has some important limitations. It tends to suggest tidiness and predictability in the way that the policy process unfolds, whereas the process is often chaotic and unpredictable. It can miss whole steps, or steps can even happen in reverse order at times. It is said not to be a theory in the sense that analysts cannot use it to predict policy development.

An important additional element to consider when assessing policy stages is where a government is in the electoral cycle. The first phase of a government’s existence is the transition phase. Once the prime minister has chosen the cabinet, then offices must be set up; personnel, including partisan advisers as well as senior administrators, must be selected; and the chore of prioritizing election promises begins with the Throne speech and budget. In the next phase, policy decisions are transformed into legislation, regulations, or programs. It is in this phase that the role of the public service is greatest and critical to the success of the government. In the third phase, usually corresponding to the third year in office, governments tend to pull back and assess what is working, not working, or needs to be altered or terminated. Program evaluations and results-based analyses are important elements of public service in this stage. In the final phase, just months to a year before an election, the government will announce new programs, usually with a promise of post-election implementation. As the election approaches, government work slows and assumes more of a maintenance nature. The public service becomes active during the election in preparing transition books for each department according to the election promises being made by the major parties. The election occurs and the phases recommence.

But like the policy stages, this outline of policy phases is an ideal type in an imperfect world. In reality, the phases are highly changeable according to the nature of the government, the likelihood of re-election, external (domestic and international)

Table 15-4 Stages Schema for Organizing Policy Literature

Policy Stages
Agenda-setting: recognition by government or the public that a problem exists and needs attention
Policy formulation: policy actors explore the relative merits of options and alternatives to solve policy problems and narrow down the list for the decision stage
Decision making: an option considered at an earlier stage is adopted as a course of action
Implementation: putting decisions into practice by devoting personnel, budgets, and rule making to effect them
Policy evaluation: the assessment of how appropriate the aims and implementation of a policy have been in practice
Policy maintenance, modification, or termination: the decisions are made on whether and how the policy should be kept in place, changed or ended according to the evaluation results.

Modified from M. Howlett, R. Ramesh, & A. Perl, (2009). *Studying public policy*. Don Mills, ON: Oxford University Press; P. Cairney, (2011). *Understanding public policy: Theories and issues*. Basingstoke, UK: Palgrave MacMillan.

influences, and the policies being considered. However, the work of the public service is vital in each phase.

Public Servants as Actors in the Policy Process

The policy role of public servants can be divided into three basic types. These include acting as information guardians; being policy innovators; and serving as advisers and engaging in policy formulation (Van Loon & Whittington, 1987). Each of these roles is briefly explained here.

Information Guardians

First, public servants are guardians of information. They decide what information will be presented to the minister, what will be used in analysis of policy issues, and how any information will be interpreted. In the process of advising on government priorities, preparing cabinet documents, and formulating policy, public servants must sift through vast amounts of information obtained online and from citizen groups and other actors in their policy sector. Not only do they control what information wends its way to the minister, they also can control who has access in public consultations to a large extent.

In this guardian role, public servants can also become “social animators,” meaning that they may help organize or encourage groups who are affected by policies. This may be useful in persuading ministers to act on their advice. In times of government restraint, leaks of information to the public or the encouragement of particular interests can become a means of stymying cutbacks. However, this is a dangerous tool since it can undermine the trust of the elected officials in their permanent officials.

Innovators

The role of public servants as innovators has become more popular in recent years. **Policy innovation labs**, innovation hubs, social innovation hubs, cross-sectoral networking are all tools being used by the public sector to encourage policy change. Whether it is introducing new policies such as the legalization of cannabis use or medical assistance in dying, devising new solutions to wicked problems like Indigenous housing, or eliminating the use of plastic, public sector employees are increasingly embracing a change philosophy.

The current focus on innovation is not without critics. Policy development must balance predictability and certainty of the law against innovation. This balance tends to favour an incremental approach to change, which allows people to adjust to change. However, innovators reply that incrementalism is why policy problems persist. Given that the focus of innovation labs and the innovation agenda is limited on a few priorities, this problem is often overstated.

A more serious criticism is that innovation labs and hubs focus on results and impacts and are purpose-driven (Bellefontaine, 2012) whereas the traditional public sector values procedural fairness and even-handed application of rules. In the innovation agenda, the traditional public sector focus on process is viewed as an impediment to efficient and transformative change. Hybrid organizations and networks with external partners are designed to achieve policy results, with limited attention paid to procedural matters and fairness. The new staffing strategy of the federal government to ensure that the public sector has the “right” talent to ensure this change thinking is adopted constitutes a step toward ensuring that the public sector is in line with its thinking. In this transformation, the line between public sector neutrality and politicization of the sector may become obscured, as noted by Aucoin (2012).

Policy Innovation Labs

They are usually hybrid organizations comprising system and design thinkers and others often from the public, private, and non-profit sectors to find solutions to wicked policy problems.

Policy Advisers, Evaluators, and Formulators

Public servants serve not only as information gatekeepers and innovators but also as policy advisers, evaluators, and formulators. This role is most evident in the preparation of cabinet documents. Although this again makes the policy process seem tidy and orderly, it can be said that cabinet submissions, which may take various shapes depending on the purpose, will pass through three main processes after an assistant deputy minister gets approval from the government to initiate the work (Privy Council Office, 2018):

1. A team of policy advisers will prepare the initial draft under the direction of a policy officer. Not only will this involve extensive research and consultation with stakeholders, it will involve work with the financial, environmental, legal, and communications folk in the department and minister's staff and the policy heads in the unit. The central agencies and departments will be advised of the work.
2. The draft will be circulated for internal review to the operational, financial, and legal/legislative draughting sectors; communications and policy staff; as well as the relevant policy committee and senior staff.
3. The submission will be circulated to other affected departments and the central agencies and departments for feedback. It is then revised a final time, translated, and sent to the DM and minister with speaking notes, a costing, and a communications strategy attached.

This policy work can be arduous. There should be no surprises as the submission advances toward cabinet, or it can be derailed and sent back to the first step for rethinking.

Integrated into this process of policy development is program evaluation. Once a policy has been implemented and is operating, usually as a program or service, it is monitored and evaluated using the standards of NPM, efficiency and effectiveness. The costs of operating the programs are weighed against its benefits, and an assessment is made of whether or not the program or service is achieving its intended objectives. This is an important element of data collection for a policy adviser, who can then recommend whether a program or service should be modified, remain as is, or be discontinued. By examining how a program or service has achieved its objectives and performed in the past, an assessment can be made on how a policy should operate in future. Under the principles of NPM, NPG, and deliverology, where policy results are strongly linked to policy objectives, program evaluation and reporting back to cabinet has been an important element of the policy-making process.

Once the cabinet submission is ready, it proceeds to cabinet through a process built upon a rational model of decision making in which the role of public sector officials correspond to each step taken by cabinet (Dunn, 1995). The **rational model** of the policy process presumes that decision makers are oriented toward achieving objectives and influenced by a desire to be as complete as possible with regard to examination of options to reach those objectives. More often than not, the rational model is presented as a series of steps that are advisable. Catherine F. Smith, although not calling it the rational approach, presents a series of steps that are compatible with it: "Public policy making in a democracy is an institutional process of solving problems that affect society or its environment ... [and] includes the following activities: defining the problem, developing knowledge including knowledge of prior action or inaction on the problem, proposing policy alternatives, deliberating the alternatives, adopting policy, administering and implementing policy, [and] changing policy" (Smith, 2013, p. xxi). Basically, the model is this: you say what you want, examine what is the best way to get it, and choose it. Many techniques in public policy are based on this simple theme: cost-benefit analysis, planning theory, budgeting analysis, and evidence-based decision making.

Rational Model

A model of the policy process that maintains that decision makers are oriented toward achieving objectives and influenced by a desire to be as complete as possible with regard to examination of options to reach those objectives.

The rational model can be seen to be inherent in the way that the cabinet and central agencies specialize in their functions. Cabinet committees are structured along policy sector lines and tend to engage in priority setting within their discrete sectors or areas and become expert at ranking policy options therein—a kind of “horizontal decision making” or system of tradeoffs. Then the full cabinet is free to engage in the tradeoffs *between sectors*, both in policy and in budgetary matters.

Cabinet receives three main types of policy submission: the Memorandum to Cabinet (MC), the Treasury Board submission, and the Governor in Council (GIC) submission. The first typically works its way through the cabinet committee system, whereas the Treasury Board handles Treasury Board and GIC submissions in a more abbreviated and less linear process. MCs are needed for a new program or policy direction, whereas the Treasury Board submission covers the subsequent parts of the policy process, including program design, program implementation, and program evaluation. GIC items deal with delegated legislation.

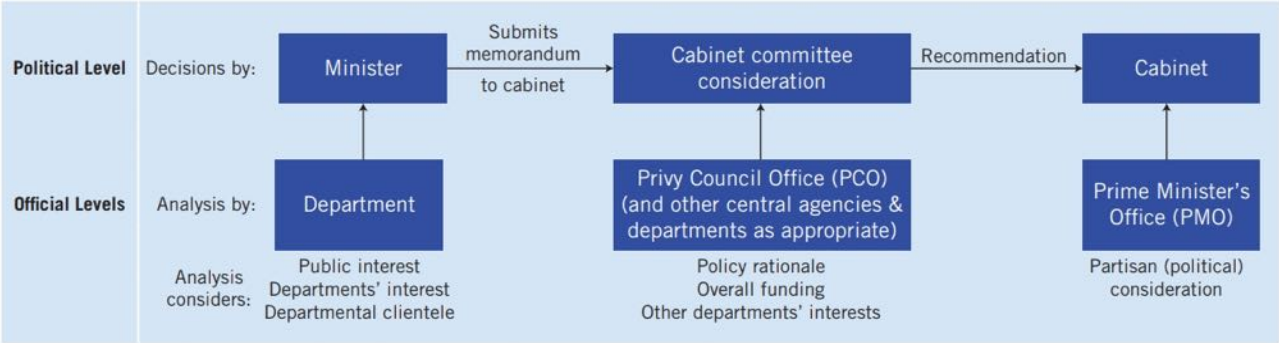
There is a standard process for the routing of Memoranda to Cabinet. The diagram in Figure 15-3 shows the origins and outcomes of Memoranda to Cabinet.

Analysis by the Privy Council Office, a central agency, is also meant to introduce a significant element of horizontality into the cabinet process. This means that the Privy Council Office ensures that other ministers, departments, and agencies that are affected by the department’s policy are consulted, that room is left in the agenda for the input of affected parties, and that the measure makes for good public policy. Of course, not only the cabinet and its committees are briefed but also the prime minister, who orchestrates the policy process. As the minister responsible for both the Privy Council Office and the Prime Minister’s Office, the prime minister has the advantage of both policy and partisan political input.

The first major budget reform in the 1960s, the Planning–Programming–Budgeting System (PPBS), was explicitly based on rationalist assumptions. Its specific purpose was to overcome the deficiencies of the incrementalist model of budgeting, which involved only slight modifications from what previous budgets had been. Other budgeting programs that followed—Zero-Base Budgeting, the Envelope System, Results-Based Budgeting, Results-Based Management, and others—also used rationalist concepts.

Public servants can engage as policy innovators, formulators, and choice makers. They will advise on government priorities, screen information, develop policy ideas into proposals for implementation, counsel governments on the appropriate instruments for achieving policy objectives, and sometimes even advance their own policy proposals. This is the role most new public policy aspirants dream of occupying. (See Box 15-3: Recruiting and Retaining the Next Generation of Public Policy Leaders.) However, much of the business of government is routine. It involves providing services to the public, enforcing regulations, executing programs, developing Information Technology (IT) and Information Management (IM) systems, overseeing personnel

Figure 15-3 The Routing of Memoranda to Cabinet



Box 15-3 Recruiting and Retaining the Next Generation of Public Policy Leaders

Recent clerks of the Privy Council have made it a high priority to renew the public service of Canada. This interest is driven by demographic studies showing the aging profile of the public service; the need for innovative and disruptive thinking to confront the increasingly complex policy challenges facing governments; and the requirement for the next generation of leaders to be tech savvy, flexible, and able to work with innovators from all sectors of society.

The Treasury Board Secretariat promises that the Canadian government offers the opportunity for people to work in areas that inspire their passions, including digital governance, Indigenous policy and relations, global affairs, social policy,

national security and defence, economic policy, and more. The employment programs specially designed for secondary and post-secondary students are listed on the Public Service Commission webpage at <https://www.canada.ca/en/public-service-commission/jobs/services/recruitment/students.html>.

Is it worth considering the public service as a future career? As the clerk of the Privy Council said in his 2018 report, “Students represent the future of the Public Service. They bring the new ideas, new skills, and new ways of collaborating that are needed to be successful in the future” (Clerk of the Privy Council, 2018). Most governments across the country are looking for new talent.



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matters, and engaging in budget preparation. (See Chapter 13.) This is where the bulk of government time is spent.

An Open Question

One important question about the policy role in government today is: How open should government be? There has been a variety of official and academic reports on the need to make government more open and transparent, and some action has indeed been taken. The issue is the degree of response, with reformers calling for granting more powers to the information commissioner and relaxing the bar for access. In an appearance before the Standing Committee on Access to Information, Privacy, and Ethics on September 22, 2011, Information Commissioner Suzanne Legault noted, “As reflected in Treasury Board statistics, over the past ten years there has been a steady decline in the timeliness and disclosure of information by federal institutions.” For its part, the Harper government emphasized its wide-ranging response to demands for transparency, which it called “open government.” Stephen Harper announced in March 2011 that open government has three windows: open data, open information, and open dialogue. The first promises that government data sets will be released in reader-friendly formats; the second is about the proactive release of government information on its activities—for example, summaries of completed access to information

requests; and the latter aims to expand the citizen voice in policy making and broaden citizen engagement through new technologies.

While all of the government institutions and departments have made significant strides forward in improving their online profiles, government remains divided on how open it should be. There is an “emerging ethos of Gov 2.0, predicated upon seeking collective benefit from more outward, open and networked forms of governance,” but it is clashing with traditional public sector norms of information management and confidentiality (Roy, 2018). Expectations for digital government are not likely to abate within either the public or the public service institutions.

Summary and Conclusion

Public officials work in a multiplicity of organizational forms. The majority of government employees work in departments under the political direction of a cabinet minister and the administrative direction of the deputy minister. However, central agencies and central departments have developed a considerable influence over the direction of government departments. Furthermore, a variety of Crown corporations and semi-independent agencies, boards, and commissions do not operate according to the traditional departmental model of public administration. When we think of the staff of the various governing institutions, we often ignore those who work for Parliament and the courts. Of particular importance has been the establishment of various officers of Parliament who, with their staffs, help Parliament in trying to hold the executive accountable for its actions and assist people who have complaints about government.

Bureaucratic organizations are necessary for the achievement of good government. A large, professional staff is required to administer the multitude of government programs. Many government officials play a major role in developing new policies and in evaluating existing policies and programs. Career public servants may be more likely than politicians to take a long-term perspective on what is in the public interest. They are able to be an important source of non-partisan advice for cabinet ministers. Through their interactions with interest groups and diverse backgrounds, public servants can make government more responsive to societal concerns. Moreover, by speaking “truth to power,” public servants can play a vital role in the pursuit of good government.

The public service bureaucracy in the executive departments has been the subject of considerable criticism. Some argue that the bureaucracy is too rule-bound and inflexible and not oriented to providing good service to people and businesses. Those who use the rational choice theory view bureaucrats as self-interested individuals seeking to expand government so that they can gain

more status, privileges, and power. Indeed, some critics argue that senior bureaucrats wield excessive undemocratic power by influencing cabinet ministers who rely on them for advice.

While these cautions are important, the important role that public servants perform in the policy process should not be overlooked. Public servants are involved in the translation of policy into government services and programs at all stages and throughout the life cycle of governments. Public servants are the gatekeepers and purveyors of information that is so vital to elected officials in making policy decisions. They can also serve as catalysts for change by encouraging governments to address wicked policy problems through innovative solutions. Perhaps most importantly, they serve as policy formulators, evaluators, and advisers, offering sound, non-partisan advice as policies are considered, developed, and implemented. It is largely because of their work that elected officials are able to serve the needs of their citizens effectively. While much of the work of the public service is routine and involves providing programs or services on a daily basis, it is vital to maintaining the quality of life expected in Canada.

Still, there are limits to the power of bureaucrats. The prime minister and cabinet, working with the central agencies and central departments, are able to set the direction of government policy. As well, the prime minister and cabinet increasingly rely on alternative sources of advice from partisan political advisers, consultants, and think tanks. Furthermore, the various officers of Parliament, such as the auditor general, information commissioner, and privacy commissioner, provide some checks on the power of the executive bureaucracy. Although the convention of ministerial responsibility for the actions of government can shield the bureaucracy from public scrutiny, access-to-information legislation (even though imperfect in its application) and other reforms have brought some transparency and accountability to the activities of the bureaucracy.

Discussion Questions

1. Is bureaucracy a threat to democracy?
2. Is it important to have a non-partisan bureaucracy, or would it be better to have senior officials committed to carrying out the political direction of the government?
3. If you were to envisage yourself as a future public servant, what branch of government and what level strikes you as being the most interesting? The most challenging?
4. If you were to lead a program of public service reform in the government of Canada, on what would it focus?
5. What type of policy role is most important in each stage and phase of policy development?
6. Is it important to the development of policy to have a representative bureaucracy?
7. If you were hired by the public service of Canada, what role or policy area would interest you the most?

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Chapter 16

The Judicial System: Law and the Courts



The Canadian Press

The statue of the “Famous Five” on Parliament Hill depicts the reactions of Emily Murphy, Irene Parlby, Nellie McClung, Louise McKinney, and Henrietta Edwards on hearing the news of the 1929 judgment of the Judicial Committee of the Privy Council of the United Kingdom declaring women “persons” and eligible to sit in the Senate



Learning Objectives

After reading this chapter, you should be able to

- 16.1a** Examine the significance of the rule of law and the independence of the judiciary.
- 16.1b** Explain how the legal system of Quebec differs from that of other provinces.
- 16.2** Outline the structure of the court system.
- 16.3** Discuss the procedures for appointing judges.
- 16.4** Discuss the problems in ensuring that justice is provided by the judicial system.

Emily Murphy was born in 1868 into a family of prominent lawyers and politicians. After moving with her husband and three daughters to Alberta, she became a prominent campaigner for women's rights.

In 1916, Emily Murphy was appointed as the first female magistrate in the British Empire. Earlier that year, women had won the right to vote in Alberta and were soon elected to the

provincial legislature. Murphy had greater ambitions: she wanted to be appointed to the Canadian Senate. Although the British North America Act, 1867 specified that “persons” with certain qualifications were eligible to be appointed to the Senate, under the common law, women were not considered “persons” with rights and privileges. Murphy decided to challenge this interpretation. Together with four other women’s rights advocates—Henrietta Edwards, Louise McKinney, Irene Parlby, and Nellie McClung—known as the “Famous Five,” Murphy submitted a petition to the Supreme Court of Canada in 1927 asking for an advisory opinion as to whether “persons” included women.

In their judgment, the majority of judges cited English common-law rulings, including one that claimed, “chiefly out of respect to women, and a sense of decorum, and not from their want of intellect, or their being for any other such reason unfit to take part in the government of the country,” women have “been excused” from taking part in public affairs. Given this legal context, if Parliament had intended to allow women to be appointed to the Senate, it should have expressly written that in the British North America Act (*Edwards v. A.G. of Canada*, 1928).

Prime Minister Mackenzie King agreed to ask the Judicial Committee of the Privy Council in the United Kingdom, which was at the time the highest appeal body, for its opinion on the issue. In a unanimous ruling in 1929, the Judicial Committee concluded that women were eligible to be appointed to the Senate as “persons.” Excluding women from public office was a “relic of days more barbarous than ours.”

In explaining their ruling, the Judicial Committee argued that the Constitution should not be interpreted in a “narrow and technical” manner but rather as a “living tree capable of growth and expansion within its natural limits” (*Edwards v. A.G. of Canada*, 1930). The law should evolve in response to the changing values and circumstances of society. By applying the “living tree” concept, the courts can have an important political role in affecting the course of public policy rather than, as some would prefer, sticking to the precise wording of the law, the express intention of those who wrote the laws, and past precedents of interpreting the law.

The Persons case (as it has come to be known) is celebrated as a major victory for the rights of women. In 1930, Cairine Reay Wilson was the first woman to be appointed to the Senate. Emily Murphy died in 1933 without receiving the Senate appointment she so desired. Her role in the Famous Five assures her place in history, but she also finally has a place in the upper chamber: in October 2009, the Senate voted for Murphy and the other members of the Famous Five to be named honorary senators.

Chapter Introduction

When we hear about someone going to court, we often think about a trial in which a person is accused of a criminal offence such as theft, drunken driving, or murder that may result in a lengthy jail sentence. We may also think of the court as a place where some important disputes, such as the responsibility for a child or the division of property after a divorce, are settled.

The judicial system also has an important role in politics and government. Court decisions can check the power of the executive by striking down legislation and government actions that are deemed to be unconstitutional. In particular, the constitutional Charter of Rights and Freedoms adopted in 1982 has increased the importance of the courts in determining the validity of laws and government actions. Overall, the judicial system has a key role in ensuring that the rule of law, a basic feature of liberal democracy, is upheld.

In this chapter we examine Canada’s legal systems, the structure of the court system, the procedures for appointing judges, and their decision-making processes. We also discuss various issues about the legal system, including the delays in obtaining justice, the costs of legal action, and the high proportion of Indigenous persons imprisoned.

Laws

16.1a Examine the significance of the rule of law and the independence of the judiciary.

16.1b Explain how the legal system of Quebec differs from that of other provinces.

Rule of Law

The principle that individuals should be subject only to known, predictable, and impartial rules rather than to the arbitrary orders of those in governing positions.

A basic feature of the Canadian political system is the **rule of law**—the principle that individuals should be subject only to known, predictable, and impartial rules rather than to the arbitrary orders of those in governing positions. This does not only mean that we are expected to abide by the many thousands of laws that control our behaviour and our relationships with others; crucially, it also means that people with authority, including those responsible for making, implementing, and enforcing laws, are expected to act in keeping with the law, including the legal and constitutional procedures for passing and changing laws. In particular, the rule of law can protect people against arbitrary actions by government and those empowered to act for the state, including police and security services. For example, in *R v. Soules*, a young person was charged with drunk driving. However, because the accused was compelled to make statements at the roadside as required by the Ontario Highway Traffic Act, this violated the prohibition against self-incrimination in the Charter of Rights and Freedoms.

The rule of law is a key feature of liberal democratic government, distinguishing it from various forms of dictatorial rule. The rule of law includes the principle that all individuals are equal before and under the law, regardless of their wealth, social status, or political position. The rule of law also requires that the courts be independent, so that judges can be impartial in settling disputes without interference from government.

The judiciary is important in the governing process. Not only do judges administer justice by applying laws and penalizing those who break the law, but they are also essential in interpreting the law and the Constitution. As well, the courts have the authority to review laws and the decisions of administrative tribunals to determine their validity (i.e., the power of judicial review).

Laws

Laws can be thought of as rules of behaviour concerning the relationships and disputes involving individuals, businesses, groups, and the state (Hausegger, Hennigar, & Riddell, 2015). Laws fall primarily into two basic categories: public and private, each of which involves various specific areas of law. (See Table 16-1.) Laws concerning the relationship of the state to individuals and laws concerning the authority and operations of the state are referred to as **public law**. There are four major types of public law:

1. Criminal law deals with behaviour that is an offence against the public of sufficient importance that the state (the Crown) is responsible for prosecuting the alleged offender.
2. Constitutional law deals with the rules concerning those aspects of governing that are set out in the Constitution, including the division of authority between the national and provincial governments and the rights and freedoms of individuals.
3. Administrative law concerns the standards that government and its agencies are required to follow in their administrative and regulatory activities.
4. Tax law refers to the rules for the collection of revenue from individuals, businesses, and corporations.

Public Law

Laws concerning the relationship of the state to individuals and laws concerning the authority and operations of the state.

Table 16-1 Types of Laws

Public Law	Private Law
Criminal law	Contract law
Constitutional law	Property law
Administrative law	Family law
Tax law	Torts
	Various others (e.g., intellectual property rights, wills and trusts, business organization, real estate, and consumer rights)

SOURCE: Adapted from Hausegger, L., Hennigar, M., & Riddell, T. (2015). *Canadian courts. Law, politics, and process* (2nd ed.). Don Mills, ON: Oxford University Press.

Private law (often termed civil law) deals with issues in the relationships among individuals, groups, and businesses that are primarily of private interest rather than general public interest. Various types of private law exist. For instance, contract law establishes rules for enforceable agreements; property law concerns the rights linked to owning and possessing property; family law deals with domestic relations, including rules related to the consequences of the break-up of a marriage; and the law of **torts** establishes rules for the remedies available to an injured party as a result of the actions, negligence, or words of another party. Other areas of private law relate to such topics as intellectual property rights, wills and trusts, business organization, real estate transactions, and the rights of consumers. Disputes in the area of private law involve one side (the plaintiff) initiating action against the other side (the defendant).¹

The Sources of Law

The Canadian Constitution divides the authority to pass laws between Parliament and provincial legislatures, with only a small number of areas in which both Parliament and provincial legislatures have legislative power. For example, the Canadian Parliament is responsible for criminal law, while provincial legislatures are responsible for many subjects related to private law. However, some areas of private law, such as marriage and divorce, and patents and copyrights, fall under the legislative authority of the Canadian Parliament.

Laws that have been passed by an Act of Parliament or a provincial legislature are known as **statutory laws**. Legislative bodies often delegate the ability to pass subordinate legislation to other institutions under the authority of an Act. For example, Parliament can delegate to cabinet the authority to make regulations in keeping with the general principles of an Act of Parliament. Provincial governments often delegate to municipal governments the authority to make bylaws, provided the bylaws are consistent with provincial legislation.

Many laws are not set out in statutes but rather are based on common law and codified civil law. Public law throughout Canada, along with private law in all provinces except Quebec, is based on the English system of **common law**. This system started in the twelfth century as the increasingly powerful king's courts began to use the "common customs" of the entire country as the basis for their decisions rather than the traditions of different localities used by the courts of various nobles (Hausegger et al., 2015, p. 11). The practice that developed was for judges to use precedents (i.e., examining decisions in previous similar cases) to guide their decisions. Common law thus consists of court judgments from many centuries of cases,

Private Law

Areas of law dealing with the relationships among individuals, groups, and businesses that are primarily of private interest rather than general public interest.

Torts

Harmful actions, negligence, or words that allow the injured party to sue for damages.

Statutory Law

A law that has been passed by an Act of Parliament or a provincial legislature.

Common Law

A body of law developed through the accumulation of court decisions that become binding precedents for similar future cases.

¹ Some legal actions can involve both public and private law. For example, if one person attacks another, causing injury, criminal proceedings on the charge of assault may be launched by the Crown, while the injured person may sue the attacker for damages under the law of torts.

first in England and then in Canada, that have never been brought together in a single document. In court, lawyers present a variety of precedent cases that they consider relevant to the case being decided. The judge must decide which precedents are most relevant, keeping in mind that precedents set in cases before superior courts are binding on lower courts.

The common-law system is used in most of the English-speaking Commonwealth and in the United States (other than Louisiana). It has sometimes been criticized for preserving rules that are outdated and no longer reflect the changing values of society. However, the common law can evolve over time as judges find features in the cases before them that differ from precedent cases, and thus interpret the principles underlying common law somewhat differently. As well, legislatures have been active in passing laws that, in effect, replace the provisions of common law.

Code Civil Du Québec

A codified system of law that is the basis of private law in Quebec.

Quebec uses the *Code Civil du Québec* as the basis of its private law. This system of codified civil law traces its origins back to the sixth century, when the Byzantine Emperor Justinian I created a code of laws out of the laws of the Roman Empire, along with the commentaries of legal scholars (Hausegger et al., 2015). The French emperor Napoleon commissioned a codified system of law in 1804 (which became known as the Napoleonic Code) based on Roman and French sources. This code has become the foundation of the private law systems of many continental European and Latin American countries. In 1866, Quebec established a system of codified civil law based, in part, on the Napoleonic Code. This was replaced by the *Code Civil du Québec*, which came into effect in 1994. Because civil code systems provide a full set of legal principles for resolving disputes, judges can apply these principles to reach their decisions in particular cases. Nevertheless, Quebec judges increasingly use precedents to help in applying laws (Hausegger et al., 2015).

Common law and Quebec's *Civil Code* continue to be important sources of law, resulting in differences in private law between Quebec and the rest of Canada.² (For an example, see Box 16-1: Lola and Eric: The *Civil Code* and the Common Law.) However, the doctrine of parliamentary supremacy that Canada inherited from Britain means that statutory law has modified or replaced a considerable proportion of common law or the *Civil Code* provisions.

Judicial Review

In the traditional British system of government, Parliament is the supreme law-making authority, and thus the courts cannot review or invalidate legislation to decide its validity or desirability. They can, however, play a role in interpreting vague or ambiguous provisions in laws based on established principles of interpretation.

In Canada, in contrast, the door has always been left open for judicial review of legislation. That is, the courts have the authority to invalidate laws or government actions that they consider to be in violation of the Constitution. Because the Constitution divides legislative authority between the national Parliament and provincial legislatures, the courts can be called upon (by a government, individuals, groups, or businesses) to determine whether a piece of legislation passed by Parliament or a provincial legislature is within the constitutional authority of that legislative body.

The constitutional Charter of Rights and Freedoms (discussed in Chapter 10) has greatly increased the political significance of the courts, as legislation and government

² Because of these differences, most lawyers are educated and can practise in only one of the two legal systems. However, a few universities offer law students the opportunity to qualify in both systems.

Box 16-1 Lola and Eric: The *Civil Code* and the Common Law

In 1992, 32-year-old Quebecer “Eric” saw 17-year-old “Lola”* on a Brazilian beach and persistently wooed her. Eric promised her father that he would take care of Lola, but he rejected requests by Lola to get married. After living together in Quebec for seven years and having three children, they separated. Eric, who had become a billionaire, provided Lola with \$34 260 a month for child support as well as a house, a car, and money for their children’s tuition and travel (Patriquin, 2009).

Lola sued Eric in Quebec superior court seeking a \$50 million payment and \$56 000 a month. The court dismissed the case, noting that Quebec’s *Civil Code* provided a right to spousal support only in a legal marriage or a civil union. However, the Quebec Court of Appeal struck down this provision in the *Code* on the basis that it violated the equality rights provision of the Charter of Rights and Freedoms (s.15). The nature of the relationship should not be grounds for refusing to claim support for basic needs and thus would constitute discrimination based on marital status. Nevertheless, the court of appeal ruled that the sharing of property was a contractual relationship because the couple had freely

decided not to marry. Thus, there was no requirement for an equal sharing of property.

On appeal, the Supreme Court of Canada in a 5–4 decision ruled that Quebec’s *Civil Code* exclusion of spousal support for unmarried couples violated the equality rights provision of the Charter. However, it was a justifiable infringement particularly because the *Code* enhances freedom of choice and autonomy. Thus, the rights of those in non-marital relationships in Quebec continue to differ from rights in other provinces where the common-law principle of “unjust enrichment” allows a partner to claim monetary compensation for their contribution to the relationship. The Supreme Court of Canada interpreted this principle as entitling each common-law partner to a share of assets proportionate to their contribution. Quebec’s *Civil Code* exclusion of spousal support for unmarried couples violated the equality rights provision of Charter. But it was a justifiable infringement because the *Code* enhances freedom of choice and autonomy.

*Names have been changed to protect the privacy of their children.

actions can be struck down if they are deemed by the courts to have violated the Charter. (See Box 16-2: Medically Assisted Dying.)

The courts have occasionally “read in” additional words to make a law more inclusive, chosen a narrow interpretation to make a law conform to the Charter, or granted an exemption to individuals or groups from legislation that would violate the Charter (Hogg, 2006). For example, in 1991, an instructor was fired from King’s College, Edmonton, after disclosing that he was gay. Alberta’s Individual Rights Protection Act did not prohibit discrimination on the basis of sexual orientation. However, the Supreme Court of Canada viewed the discrimination as a violation of the equality rights clause of the Charter and read sexual orientation into the Act (*Vriend v. Alberta*, 1998). Similarly, the courts can cut out a part of a law that is deemed to violate the Charter or provide a remedy if an individual’s rights and freedom have been infringed or denied

Box 16-2 Medically Assisted Dying

In Canada’s Criminal Code, assisting a person in dying is a serious criminal offence. Although the Supreme Court of Canada upheld the prohibition of assisted suicide in *Rodriguez v. British Columbia* in 1993, the principle of *stare decisis* (let the decision stand) did not prevent the Supreme Court from overturning its previous decision. In 2015, the Supreme Court decided unanimously that the prohibition of assisted suicide was contrary to the Charter of Rights and Freedoms because it violated the right to “life, liberty and security of the person” and equality rights in *Carter v. Canada* (2015 SCC 5).

In 2016, Parliament passed Bill C-64, allowing medically assisted dying for patients suffering from incurable illness

whose natural death is reasonably foreseeable. Individuals seeking assistance in dying must be at least 18 years old, be mentally competent, give informed voluntary consent, be in an advanced state of decline that cannot be reversed, and have unbearable physical or mental suffering that cannot be relieved. Doctors are not required to participate in medically assisted dying and, in fact, the majority of doctors will not perform this procedure. Although Bill C-64 does not go as far as the *Carter* ruling in how assisting a person in dying can be done, it is still a major change from the prohibition of assisted suicide in the Criminal Code.

(Hausegger et al., 2015). Although governments could use the notwithstanding clause (s.33, discussed in Chapter 10) to maintain laws that violate some aspects of the Charter, this clause has rarely been used.

In addition to the Charter of Rights and Freedoms, the Canadian Human Rights Act, 1977 prohibits discrimination in employment, the provision of goods and services, facilities, and accommodation based on various characteristics including race, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity or expression, marital status, and disability. These prohibitions apply to the Canadian government, First Nations governments, and private businesses that are regulated by the Canadian government. All provincial governments have adopted their own human rights laws that apply to their jurisdiction.

Courts

16.2 Outline the structure of the court system.

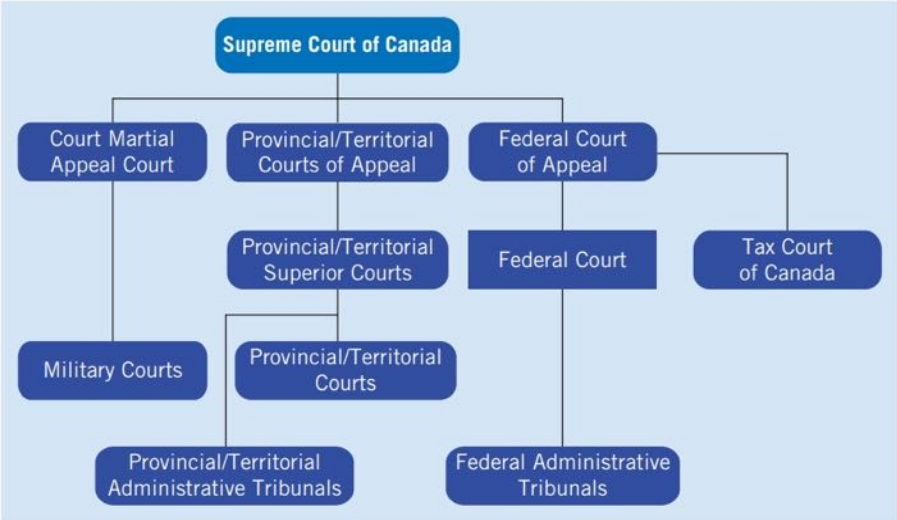
Unlike the United States, which has separate federal and state court systems, Canada basically has a unified court system that hears most cases, encompassing both national and provincial laws. (See Figure 16-1.) The Supreme Court of Canada, whose members are appointed on the recommendation of the prime minister, sits atop the hierarchy of the court system. Judges in provincial **superior courts** (which include trial and appeal divisions) are also appointed and paid by the Canadian government.³

At the bottom of the hierarchy are provincial (or territorial) courts, whose judges are appointed and paid by each provincial government. **Provincial courts** are exclusively trial courts, with appeals from judgments going to superior courts. Some provinces have established specialized provincial courts, such as traffic, youth, family, and small claims courts. Until the 1960s, provincial courts dealt primarily with minor cases, with most local magistrates having little or no legal training. Now most criminal

Superior Courts
Courts in each province whose judges are appointed and paid by the Canadian government.

Provincial Courts
Trial courts whose judges are appointed and paid by the provincial government.

Figure 16-1 Outline of Canada's Court System



SOURCE: How the courts are organized. Department of Justice. Retrieved from <http://www.justice.gc.ca/eng/csj-sjc/ccs-ajc/02.html>

³ In British Columbia, Prince Edward Island, Nova Scotia, Newfoundland and Labrador, Yukon, and the Northwest Territories, the superior court is labelled the "Supreme Court" of the province or territory, while in Alberta, Manitoba, New Brunswick, and Saskatchewan, it is known as the Court of Queen's Bench. Ontario and Quebec use the term "superior court." Nunavut has a single Court of Justice combining the superior and territorial courts.

cases and many civil cases are heard in provincial court before judges with legal training equivalent to that of superior court judges (Russell, 2009).

Although the Canadian government appoints provincial superior court judges, provincial governments are responsible for setting up and administering the court system in their province. Certain serious criminal offences, such as murder, treason, and piracy must be heard by a superior court judge. For other indictable offences (serious offences such as arson and robbery), the person accused can choose to be tried in a superior or a provincial court. Petitions for divorce and a variety of private law cases are heard in superior court. Generally, less serious offences against federal and provincial laws (including all summary offences, such as causing a disturbance) are heard in a provincial court.⁴

The **Federal Court of Canada** tries cases related to certain Acts of Parliament (including laws concerning copyright and patents, citizenship and immigration, access to information, and privacy). It also hears appeals against the rulings of national administrative tribunals (e.g., appeals by those denied benefits by the Canada Employment Insurance Commission). The Tax Court of Canada and military courts deal only with cases related to Canadian government responsibilities.

The **Supreme Court of Canada** was created by an Act of Parliament in 1875. Although intended primarily to have a nationalizing effect on Canadian laws, the Supreme Court was unable to fulfill this purpose because appeals from provincial superior courts could go directly to the Judicial Committee of the Privy Council in the United Kingdom. Since 1949, the Supreme Court of Canada has acted as the final court of appeal for all cases. The court consists of nine judges appointed on the recommendation of the prime minister, three of whom must come from Quebec so as to be familiar with Quebec's distinctive legal system. Informally, there is a longstanding tradition that three Supreme Court judges are usually from Ontario, two from western Canada, and one from Atlantic Canada. Appeals are often heard by panels of seven judges selected by the Chief Justice of the Supreme Court. Appeals from Quebec are normally heard by a five-member panel that includes the three judges from Quebec.

Since 1985, the right to appeal to the Supreme Court of Canada has been limited to a few specific circumstances (such as when a provincial court of appeal has overturned an acquittal). Instead, the Supreme Court grants "leave" to hear appeals only in the small proportion of cases that it considers to involve issues of public importance. These cases include those involving constitutional issues, the interpretation of important laws, the definition of Indigenous rights, and the possible unfair conviction of a defendant (Hausegger et al., 2015). The Supreme Court of Canada can also hear **references**, questions asked by the Canadian government seeking an opinion on matters of law or constitutional interpretation, as well as appeals of references requested by a provincial government (normally first heard in a provincial court of appeal). A panel of three Supreme Court justices decides whether to grant leave to hear an appeal.

Federal Court of Canada

A court that hears cases related to certain Acts of Parliament, such as laws concerning copyright and patents, citizenship and immigration, and access to information and privacy. As well, it hears appeals against the rulings of national administrative tribunals.

Supreme Court of Canada

The final court of appeal for all cases since 1949.

Reference

The opinion of the courts on a question asked by the federal or provincial government.

The Characteristics of the Court System

The court system is by nature adversarial. That is, both the Crown prosecutor and the lawyer for the accused (or the lawyers for the plaintiff and the defendant in private law cases) make as strong a case as possible by providing evidence and arguments that support their position. Witnesses do not only give evidence for one side but are also cross-examined by the other side to try to pinpoint flaws in their testimony. The trial judge is expected to uphold the rules governing proceedings but generally leaves it up to the opposing sides to present their case without involvement in the questioning of witnesses.

⁴ Many offences in the Criminal Code, such as impaired driving, are "hybrid offences," in which the Crown attorney may charge the accused with either an indictable or a summary offence. The penalties when convicted of a summary offence are less severe (a maximum of a \$5000 fine and six months in jail) than when convicted of an indictable offence.

Trial courts, presided over by a single judge, deal primarily with ascertaining the facts of the case, particularly by assessing the credibility of witnesses. Appellate (appeal) courts usually involve a panel of three judges. Generally, they take the facts presented at the trial as given and focus instead on questions concerning the trial judge's interpretation of the law.

The Charter of Rights and Freedoms provides the right to choose trial by jury for offences where the maximum punishment is at least five years' imprisonment (except for offences under military law). In addition, the right to trial by jury is allowed for many other indictable offences. Juries are also occasionally used, at the discretion of the judge, in certain types of private law cases if requested by the parties to the dispute.⁵

Jury Duty

Most people will, from time to time, receive a summons to report for jury duty. Jury duty is considered an important obligation for all citizens. A refusal to report can result in a fine or even imprisonment.

To ensure that a jury represents a cross-section of the community, potential jurors are randomly selected from among adult citizens in a given area. However, sometimes the final composition of the jury may be biased. (See Box 16-3: Who killed Colten Boushie?)

Some people are shut out of jury duty because of their occupation (including lawyers, police officers, and employees of government agencies related to the justice system) or other characteristics (such as being elderly or physically weak, mentally incompetent, or unfamiliar with the language of the trial). Also, people can be excused from jury duty if serving on a jury would cause extreme hardship. In some provinces, full-time students are automatically exempted. Employers are required to give time off for jury duty, although, in some provinces, they do not have to pay their employees for the time spent away. Some provinces provide daily payment for serving on a jury.

Being summoned for jury duty involves being part of a group from which a jury is selected. A few questions are asked of each potential juror to gauge whether that person would be able to consider the case fairly. The judge has the right to dismiss a potential juror for cause (such as potential bias). As well, lawyers for the prosecution and the defendant are entitled to a number of peremptory challenges, which can be used to dismiss potential jurors without explanation. (For a discussion of peremptory challenges, see Box 16-3: Who Killed Colten Boushie?)

Box 16-3 Who Killed Colten Boushie?

In February 2018, farmer George Stanley was charged with the second-degree shooting murder of 22-year-old Colten Boushie, a member of the Red Pheasant Cree Nation. Seven hundred fifty people were summoned to be potential jurors although only two hundred and four people showed up. Stanley's defence lawyer used peremptory challenges to reject potential jurors who appeared to be Indigenous. The Criminal Code allows the defence lawyer and the Crown prosecutor to exclude selected jurors without giving a reason. Each side can issue peremptory challenges to exclude 12 persons if the defendant is facing a potential jail term of up to five years, and 20 challenges for cases involving treason or first-degree murder. As well, persons may be excluded from being selected for a jury because of their criminal record.

At the trial in North Battleford, Stanley's son testified that his father wanted to scare a group from the First Nation but accidentally shot Boushie. The police failed to protect the crime scene and didn't send an analyst to the crime scene. In the end, the all-white jury found Stanley not guilty. Many people viewed the verdict as another case in which the murder of Indigenous persons is not treated as seriously as the murder of white Canadians. In response to criticism about the use of peremptory challenges in the Stanley trial, Justice Minister Jody Wilson-Raybould introduced a bill in the House of Commons that would eliminate the use of peremptory challenges (as well as making other changes to the criminal justice system).

⁵ Juries are not used for private law cases in Quebec or in cases heard in federal courts.

After the prosecution and the defence present their case, the judge instructs the jury about the legal issues involved in the case. In particular, in a criminal case, the jury will be reminded that a guilty verdict has to be proved “beyond a reasonable doubt.” In a private law dispute, the defendant is liable “on a balance of probabilities”—a lower level of proof. The jury then meets in private to discuss the case and reach a verdict. For criminal cases, juries are made up of 12 citizens of the province or territory in which the court is located, and the verdict has to be unanimous. In private law cases, in most provinces, five of the six jurors have to agree on the verdict. In spite of the temptation many jurors may feel to share details of a case with friends or family, they are strictly forbidden to tell other people what occurred in the jury room.

The jury system is not without critics. Some people argue that jurors generally lack the expertise to assess the often-complicated issues that arise in a trial. In high-profile cases, the jury may be influenced by public opinion and media coverage, despite instructions from the judge to consider the case only as it was presented in court. In the *Morgentaler* case, juries acquitted Dr. Morgentaler even though he admitted that he had broken the law by performing illegal abortions. Although the judge instructed the jury that they could not ignore the law, the jury likely concluded that they should not convict a person who felt the need to challenge a law that many considered unjust and harmful.

The Importance of the Courts in Governing and Policy Making

The Charter of Rights and Freedoms has increased the importance of the courts. Many public policies have been affected or determined by Supreme Court and Federal Court decisions based on judicial interpretation of the Charter. For example, in 2011, the Supreme Court overturned the Canadian government’s decision to close Insite, a supervised drug injection site in Vancouver. In the Court’s view, the denial of the Insite’s service would increase the risk of death and disease.

The power of the courts to strike down legislation and policies using the Charter might be viewed as undemocratic. However, Peter Hogg and Allison Thornton (1999) have argued that the Charter has created a “dialogue” between the Supreme Court of Canada and legislative bodies. They point out that striking down legislation seldom stops a legislative body from pursuing a particular objective. A legislative body can use the notwithstanding clause to override a Charter-based decision it does not want to accept. However, as discussed in Chapter 10, democratic rights, mobility rights, language rights, minority language education rights, and male–female equality rights cannot be over-ridden by a legislative body.

A legislative body also can modify legislation so that it satisfies the “reasonable limits” provision (s.1), particularly by ensuring that it does not damage the right or freedom in question more than necessary. For example, when some of the provisions of the Anti-Combines Act were struck down by the Supreme Court on the grounds that they violated “the right to be secure from unreasonable search and seizure” of Section 8 of the Charter, Parliament changed the provision to require a warrant issued by a judge to authorize these actions (Hogg & Thornton, 1999, pp. 21–22).

The term “**Charter dialogue**” is somewhat misleading. It does not refer to any discussion between the courts and legislatures, but rather it refers to the responses of legislatures to court rulings (Macklem, 2001; Hogg, Thornton, & Wright, 2007). F.L. Morton (1999) contends that what is described “as a dialogue is usually a monologue, with judges doing most of the talking and legislatures doing most of the listening” (p. 26). Changes in a law in response to a Supreme Court decision often reflect the guidelines provided in the court’s ruling. The notwithstanding clause has rarely been used and applies to only some sections of the Charter. Although the “reasonable limits” clause can be used by a legislative body to try to justify a limit on rights and freedoms, ultimately the courts can decide what is “reasonable.”

The risk that legislation proposed by the government will be struck down by the courts can be reduced by “Charter proofing”—having Justice Department lawyers

Charter Dialogue

The view that the Charter has created a dialogue between the courts and legislatures.

examine proposed legislation to determine if it is consistent with the Charter of Rights and Freedoms. Indeed, the Justice Minister has a legal obligation to notify Parliament if proposed legislation or regulations are likely to be inconsistent with the Charter. However, a senior lawyer in the Justice Department testified that the department “does not identify and report on legislation that the department itself considers to be almost certainly illegal and unconstitutional” (Voices-voix.ca, 2014). This practice apparently goes back as far as 1993 (Curry, 2013).

Overall, the Charter has, to a considerable extent, moved Canada away from a system of parliamentary supremacy. With the notwithstanding clause used very infrequently, the courts often end up with the final say in interpreting Charter rights and freedoms. This is particularly controversial when social policy issues rather than questions of procedural fairness are at stake. In *Chaouilli v. Quebec*, a challenge to Quebec’s law prohibiting private health insurance (viewed by some as a challenge to Canada’s health care system) was successful in a 4–3 decision. In this case (as with some other cases dealing with controversial issues, such as prostitution), the Supreme Court gave the government a specified length of time to pass legislation more consistent with the court’s interpretation of the Charter.

While the Supreme Court has used the Charter on a number of cases to invalidate or change legislation, the Supreme Court has been more deferential to legislative bodies when large government expenditures would be needed to address an issue. For example, a claim that the British Columbia government was required to fund intensive treatment (applied behavioural therapy) for children with autism was rejected by the Supreme Court (Macfarlane, 2013).

Although the courts now have a significant role in affecting public policy, questions have been raised about their capability to carry out this responsibility. While Supreme Court judges are skilled at carefully analyzing the wording of legislation and constitutional provisions, the courts are not well equipped to deal with complex matters of public policy. The training and legalistic orientation of judges does not necessarily prepare them to consider the impact of their judgments on society and the economy. Judges do not have the staff needed to analyze the possible consequences and costs of their rulings. As well, because judges rarely oversee the implementation of their rulings, they do not have the opportunity to observe how well their rulings work in practice.

Judicial Independence and the Appointment of Judges

16.3 Discuss the procedures for appointing judges.

Judicial Independence

The principle that the courts are expected to be independent of government and its agencies, legislative bodies, and other influences.

An important principle of liberal democracy is that of **judicial independence**. To ensure that all people receive a fair trial, the courts are expected to be independent of government and its agencies, legislative bodies, and other influences. Without an independent judicial system, governments, police, and security services could use their power to intimidate individuals with impunity. The independence of the judiciary thus serves as an important tool in helping to protect the rule of law.

To protect judicial independence, federally appointed judges hold office, assuming “good behaviour,” until age 75 and can be removed only by a joint resolution passed by both the House of Commons and the Senate. The **Canadian Judicial Council**, composed of provincial chief and associate chief justices, reviews complaints about federally appointed judges. Although the Council cannot dismiss a judge, it can request that an inquiry committee investigate the complaint and prepare a report to the Canadian Judicial Council. Based on the report, the Canadian Judicial Council can recommend to Parliament (through the minister of Justice) that the judge be removed from office. To date, no judge has been removed from office. However, some judges have resigned or retired before the recommendation for removal. For example, Justice Robin Camp resigned in 2017 after the Canadian Judicial Council recommended his removal from

Canadian Judicial Council

A body of senior judges established to review complaints about federally appointed judges.

the Federal Court. Justice Camp had told a young woman who testified in a sexual assault trial that “pain and sex sometimes go together” and asked her why she didn’t keep her “knees together” (Crawford, 2017, March 9).

The Canadian Judicial Council can also issue a statement expressing disapproval of a judge’s behaviour. For example, in 1981 British Columbia Supreme Court judge Tom Berger publicly supported the effort to have Indigenous rights included in the Constitution. Although the Canadian Judicial Council ruled that he had been “indiscreet” in criticizing the government, they did not recommend his removal (Greene, 2006). Nevertheless, Berger resigned. In commenting on the case, Chief Justice Bora Laskin stated, “A judge has no freedom of speech to address political issues which have nothing to do with his judicial duties. His abstention from political involvement is one of the guarantees of his impartiality, his integrity, his independence” (quoted in Van Loon & Whittington, 1987, p. 218).

No superior court or Supreme Court of Canada judge has ever been removed for misconduct by a parliamentary resolution, although several judges facing dismissal resigned when removal was recommended. Provincial judicial councils can reprimand, suspend, or recommend the dismissal of provincially appointed judges. In most provinces, the provincial attorney general and cabinet can choose to remove a judge based on the judicial council’s recommendation. In Ontario, a vote by the provincial legislature is required to remove a judge (Hausegger et al., 2015). Overall, the principle of judicial independence now applies to provincial court judges as well as federally appointed judges (Russell, 2009).

The independence of the judiciary is also maintained by the convention that cabinet ministers, elected representatives, and government officials are not supposed to contact judges about particular cases. As well, independent processes that recommend compensation for judges have been set up to ensure that the government cannot try to intimidate judges through control of their salaries.

The Appointment of Supreme Court of Canada Judges

The Supreme Court of Canada Act places the authority to appoint Supreme Court judges in the hands of the “Governor in Council”—in effect, the Canadian prime minister. Those appointed to the Supreme Court have to be, or have been, a judge of a superior court or a lawyer of a province for at least ten years. Appointees from Quebec must also have a current Quebec Court of Appeal or Superior Court position or membership in the legal bar for at least ten years. (See Box 16-4: Controversy over a Supreme Court Appointment.) Three of the nine Supreme Court judges must come from Quebec so as to be familiar with Quebec’s legal system. In practice, three judges are usually from Ontario, two from western Canada, and one from Atlantic Canada.

In the past, the prime minister recommended appointments to the Supreme Court after the minister of Justice consulted informally with provincial attorneys general, chief justices, and leading members of the legal community. Beginning in 2004, an ad hoc committee of the House of Commons interviewed the candidate selected by the prime minister but did not have the power to confirm or reject a candidate. In 2008, the Harper government established a selection committee consisting of five Members of Parliament, including one from each of the opposition political parties and two cabinet ministers from the governing party. From the Justice Minister’s list of qualified candidates, the selection committee would choose three unranked candidates. The prime minister then selected one of these candidates and held a public parliamentary hearing. When the opposition parties argued that the presence of the two cabinet ministers compromised the independence of the committee, Prime Minister Harper cancelled the work of the selection committee and recommended the appointment of Thomas Cromwell to the Supreme Court without holding a public hearing. Subsequent appointments in 2011 and 2012 involved selection committees consisting of three Conservative MPs, one New Democratic Party MP, and one Liberal MP and public hearings.

Box 16-4 Controversy over a Supreme Court Appointment

In 2013, the appointment of semi-retired Federal Court of Appeal judge, Mark Nadon, to a vacant Quebec Supreme Court seat caused a serious controversy. Section 5 of the Supreme Court of Canada Act states that “any person may be appointed ... who is or has been a judge of a superior court of a province or a member of the bar for at least 10 years.” However, Section 6 provides an additional, stricter requirement that the appointment of Supreme Court judges for Quebec must be appointed “from among” the Court of Appeal or Superior Court of Quebec or “from among” members of the Quebec bar.

The Chief Justice of the Supreme Court confidentially raised the question as to whether Nadon met the required qualifications. At the time, Nadon was not a Quebec judge or member of the Quebec bar. Nevertheless, he had been a member of the Quebec bar prior to his appointment to the Federal Court in 1993. Faced with a lawsuit initiated by a Toronto lawyer (and likely a lawsuit by the Quebec

government), the Canadian government included a change to the required qualifications in the Supreme Court Act in an omnibus bill passed by Parliament to legitimize Nadon’s appointment. However, in the *Reference re Supreme Court Act 2014* launched by the Canadian government, the Supreme Court of Canada ruled that Nadon was not qualified under the Act and could not be appointed to the Supreme Court.

The Supreme Court also ruled that the proposed change to the Supreme Court Act was unconstitutional and could be changed only by a constitutional amendment, using the unanimous formula (requiring all provinces to agree). In effect, this ruling added to the protection of the Supreme Court of Canada in the Constitution and confirmed that “the provinces have a role in the process of altering fundamental aspects” of the Supreme Court (Peach, 2014). Subsequently, Prime Minister Stephen Harper made three appointments to the Supreme Court in 2014 and 2015 without using a selection committee.

Prime Minister Justin Trudeau modified the selection process by allowing any lawyer or judge that fits the criteria to apply for the Supreme Court position through the Office of Commissioner for Federal Judicial Affairs. An independent Advisory Board, consisting of three persons selected by the Minister of Justice and one each from the Canadian Bar Association, the Law Societies, the Judicial Council, and the Law Deans, provides a short list of three to five candidates for consideration by the prime minister. The candidates are expected to be functionally, not necessarily fully, bilingual and represent the diversity of Canada.

Trudeau’s first appointment was Malcolm Rowe, the first Supreme Court judge from Newfoundland, who had extensive, broad-ranging experience. In his application, Rowe wrote that Supreme Court judges “ordinarily make law rather than simply applying it.” This liberal activist perspective differed from that of former Prime Minister Stephen Harper, who argued that judges should stick to applying the law (Fine, 2016.)

The appointment of Sheilah Martin to the Supreme Court in 2017 was widely praised. She is fully bilingual, having been raised in Quebec, and studied both common law and civil law at McGill University before moving to Alberta. The tradition of having two Supreme Court judges from western Canada was maintained with the retirement of Beverley McLaughlin, and the gender balance of four females of the nine judges was retained. Although Martin did not fulfill the hope that diversity would be enhanced by appointing an Indigenous Supreme Court judge for the first time, she had judicial experience with Indigenous issues in the territorial courts.

Because the choice of Supreme Court of Canada judges ultimately rests in the hands of the prime minister, some argue that the court system does not provide a fully independent check on the power of the prime minister (Russell, 2008). Although most people appointed to the Supreme Court have been well qualified and independent minded, there is a risk that a prime minister could, over time, try to stack the Supreme Court and superior courts with judges likely to promote the prime minister’s ideological perspective through their judgments. It could also be argued that the largely secretive process for choosing Supreme Court judges does not reflect democratic principles.

Others argue that Canada should avoid adopting a more open system like that of the United States. In the United States, the powerful Senate can veto the president’s selection of Supreme Court judges. Public hearings conducted by the American

Senate's Judiciary Committee have sometimes involved detailed, aggressive, and partisan questioning of nominees about their views on contentious issues that might come before the court, their past judgments, and their personal lives. The politicization of the process of selecting judges can undermine the principle of judicial independence and reduce public respect for the fairness of the judges and their decisions. However, political, patronage, or ideological considerations can play a part in a prime minister's selection of Canadian Supreme Court judges. Indeed, a prime minister can change the procedure for selecting judges. Unlike in the United States, where Supreme Court judges can serve as long as they like, there is mandatory retirement for Supreme Court, Federal Court, and provincial superior court judges in Canada.

The appointment of judges to the Supreme Court of Canada on the recommendation of the prime minister also raises questions of whether the Supreme Court of Canada, as currently appointed, is an appropriate body to rule on constitutional issues that often involve disputes between national and provincial governments. Both the Meech Lake and Charlottetown Accords (discussed in Chapter 10) proposed that Supreme Court judges be nominated by provincial governments and selected from among the nominees by the Canadian government. Critics of the Accords argued that this would further politicize the appointment procedure.

Diversity in the Court System

Until fairly recently, the judiciary was largely composed of white males. For example, in 2016, only 1 percent of judges in provincial superior and lower courts were Indigenous and 3 percent were from a racial minority (Tutton, 2016). However, in 2015, Justice Minister Jody Wilson-Raybould made a commitment to increase diversity in the judiciary. To pursue this objective, the appointments process was opened up to allow any qualified person to apply for a judicial position. For the first time, applicants for these positions were asked about their race, Indigenous status, and other characteristics. A public process was adopted by the federal justice department to select nominees to screening committees that assess the applicants for the positions. In addition, the screening committees receive training to avoid "unconscious bias" in identifying suitable candidates.

From October 21, 2016 to October 27, 2017, 50 percent of the 74 federal judicial appointments were women, 12.1 percent visible minority (compared to 22.3 percent of Canada's population), and 4 percent Indigenous (compared to 4.9 percent of the population) (Wherry, 2017). Thus, although there is an increasing proportion of women in the judiciary, visible minorities continue to be under-represented. Indeed, there has never been a non-white person appointed to the Supreme Court of Canada.

The Appointment of Superior Court Judges

In addition to recommending the appointment of Supreme Court of Canada judges and the Chief Justice, the prime minister is responsible for recommending the appointment of the chief justices and associate chief justices of each of the provincial and territorial superior courts. The federal minister of Justice makes recommendations to the Canadian cabinet for other judges appointed to the provincial superior courts. The attorney general of a province makes recommendations to the provincial cabinet for appointments to the provincial courts.

All federally appointed judges (and, in most cases, provincially appointed judges) have to be members of their provincial bar association and have at least 10 years of experience as a lawyer or a judge. Unlike the practice in a number of continental European countries, judges are not given extensive training and do not follow a separate career path from other lawyers. However, the National Judicial Institute and the Canadian Institute for the Administration of Justice put on a wide variety of courses and seminars for lawyers, including a week of courses for new judges.

Judicial Advisory Committee

A committee that assesses candidates for appointment as a superior court judge.

Legal Model of Judicial Decision Making

The view that judges base their decisions on a careful reading of the relevant law.

Strategic Model of Judicial Decision Making

The view that a bargaining process among the judges takes place for them to reach a majority or a unanimous decision.

Attitudinal Model of Judicial Decision Making

The view that judges pursue their own policy preferences in interpreting the law, as well as being influenced by their attitudes toward the facts of the case.

A **Judicial Advisory Committee** in each province or territory makes a recommendation to the federal minister of justice concerning lawyers who apply to become a superior court judge. (Ontario has three committees, and Quebec has two). The provincial chief justice or senior judge, the provincial law society, the provincial bar association, and the provincial attorney each recommend persons to sit on the Judicial Advisory Committee, while the federal government selects three representatives from the general public. Prime Minister Stephen Harper wanted judges who supported his crackdown on crime and thus a police representative was added to the composition of the Committee. Prime Minister Justin Trudeau dropped the police representative and has focused on gender equality in the appointment of judges.

Judicial Decision Making

How do judges decide on the cases before them? In the **legal model of judicial decision making**, it is assumed that judges base their decisions on a careful reading of the relevant law using precedents, or in the case of Quebec, the principles of the *Civil Code*, to aid them in applying the law to particular cases. If a statutory law is ambiguous, judges turn to the discussion of the law by those who developed it; for example, they can examine legislative debates. But do legal factors fully explain the decisions made by judges, particularly those at the highest level of the judicial system? The **strategic model of judicial decision making** assumes that a bargaining process among the judges takes place for them to reach a majority or a unanimous decision. Thus, the wording of decisions often reflects compromises among judges with differing opinions. Finally, the **attitudinal model of judicial decision making** postulates that judges pursue their own policy preferences in interpreting the law, as well as being influenced by their attitudes toward the facts of the case (Ostberg & Wetstein, 2007; Hausegger, Hennigar, & Riddell, 2015).

The attitudinal and strategic models were developed in studies of the Supreme Court of the United States, where individual judges are quite consistent in taking liberal or conservative ideological positions on many cases before the court. A study of the decisions taken by the Supreme Court of Canada between 1984 and 2003 on criminal, economic, and fundamental freedom cases found that ideological differences among the judges along liberal-conservative lines were significant but “less definitive and more subtle than in the US Supreme Court” (Ostberg & Wetstein, 2007, p. 11). For equality and civil rights cases, gender rather than liberal or conservative ideological orientation was particularly important. Female judges “speak in distinctively different voices,” particularly to protect women and vulnerable minorities (Ostberg & Wetstein, 2007, p. 152). Similarly, a study of the Ontario Court of Appeal found that female judges were somewhat more likely than male judges to vote to convict the accused in criminal cases that did not involve Charter rights, to take the side of the female litigant in family law cases, and to favour the rights claimant in human rights cases. As well, judges who had an affiliation with the Ontario Liberal party before being appointed were more likely to favour the accused in criminal cases than those with a Progressive Conservative affiliation (Hausegger et al., 2013).

Overall, many of the Supreme Court of Canada judges tend to be ideologically consistent in how they vote. However, this does not mean that they always take consistent liberal or conservative positions. Chief Justice McLachlin, for example, tended to take a “hard line” on the criminal cases (a conservative position) while taking a liberal approach favourable to civil liberties when ruling on other cases (Ostberg & Wetstein, 2007).

The attitudinal model struggles to explain why a fairly high proportion of Supreme Court of Canada cases results in unanimous decisions. Research suggests that judges are sometimes willing to compromise to reach a unanimous decision, that they are open to persuasion by their colleagues on the court, and that the law and precedents



Supreme Court of Canada Collection

Canada's Supreme Court judges.

may lead the judges to a common position. However, unanimity is less likely in cases where the most important political issues are at stake, particularly if the issue has a high public profile (Songer & Siripurapu, 2009).

Even if the Canadian Supreme Court judges do not fit the attitudinal model as consistently as do U.S. Supreme Court judges, Canadian Supreme Court judges have indicated that they do not strictly follow the legal model of decision making. Most of them have made it clear that in interpreting the Constitution, they will not be bound by the original wording. Rather, they will adjust the interpretation in response to changes in society and social values. Further, in interpreting statutes, Supreme Court of Canada judges do not rely heavily on the record of legislative discussion to determine the intent of those who developed the legislation (Gall, 2004).

Supreme Court judges can also be viewed as being concerned about maintaining the legitimacy of their institution in the eyes of the public and key political actors. On highly visible and contentious cases, they may try to avoid making a controversial decision. For example, in the *Secession Reference*, the Supreme Court of Canada avoided clarifying what constituted a “clear majority” on a “clear question” that would be needed for Quebec to become independent. Instead their judgment emphasized the “duty to negotiate,” even though that wasn’t raised in the hearings on the reference. This allowed their judgment to largely evade criticism by both federalists and separatists (Radmilovic, 2010).

The Judicial System: Problems and Alternatives

16.4 Discuss the problems in ensuring that justice is provided by the judicial system.

There are several problems in ensuring that justice is provided by the judicial system. First, it can take a long time for a case to go to trial. Most courts have a lengthy backlog of cases due, in part, to a shortage of judges. As well, lawyers will frequently engage in delaying tactics or are too busy to prepare their cases in a reasonable time. It may take years for an innocent person to clear his or her name. As well, the backlog of cases also encourages plea bargaining—that is, accepting a guilty plea to a lesser charge. A Supreme Court of Canada decision (*Askov*) found

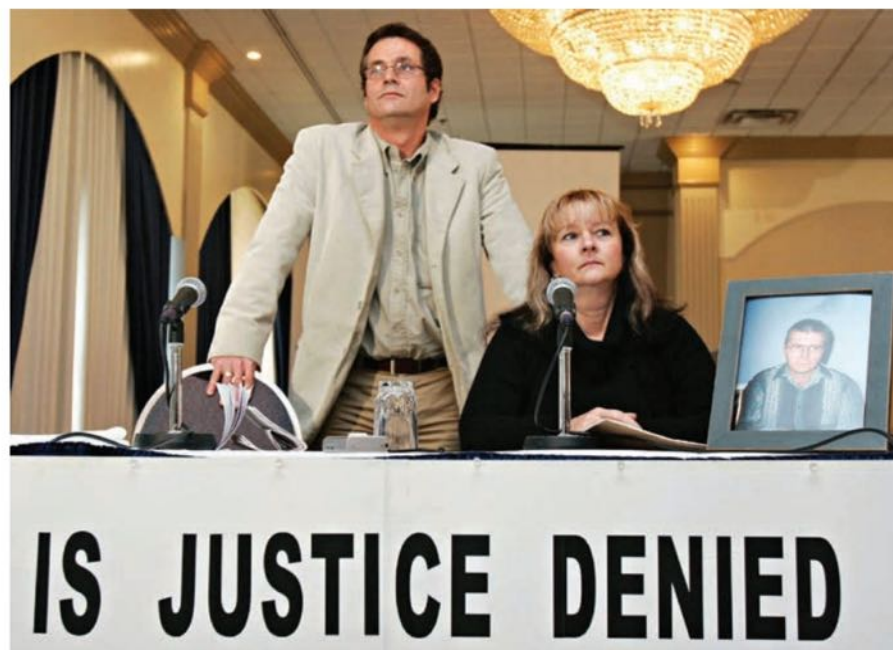
that a delay of nearly three years between a criminal charge and trial, caused by the underfunding of the Ontario court system, violated the Charter right “to be tried in a reasonable time.” This led to 50 000 criminal charges being stayed or withdrawn (MacIvor, 2006). Similarly, when B.R. Jordan was charged with a “dial-a-dope” operation in December 2008, he was not convicted by the trial judge until 2013. Although the court of appeal dismissed appeal of the conviction, the Supreme Court of Canada in a 5–4 decision deemed the delay unreasonable (*R. v. Jordan* 2016 SCC27, [2016] 1 S.C.R.631).

Second, the costs of using courts can be prohibitive. It can take lawyers a long time to adequately prepare for a court case, and it can involve many days, if not weeks or even months, of court time. Going to court can be a severe financial hardship for the average person, and thus some people turn up in court without a lawyer. This can create problems for judges who have to explain the rules of procedure to those without that expert knowledge.

Legal aid is available to low-income people with limited assets. However, legal aid programs are chronically underfunded. Although the government of Canada pays one-half of the costs of provincial legal aid systems, it has capped the amount that it will share with provincial governments. It can also be challenging to find lawyers willing to take legal aid cases, as the hourly rates paid by the system are substantially lower than the normal rates charged by private lawyers. In addition, legal aid often does not provide enough hours for adequate representation in complex cases. Legal aid generally covers criminal cases, serious family disputes, and immigration problems. Legal aid coverage for other private law cases varies from province to province but tends to be very limited. Unlike other countries, legal insurance is not widely available in Canada; thus, only a small proportion of Canadians have purchased coverage. Some legal assistance is available through law clinics and the pro bono services of law students and some lawyers.

Third, a number of cases have come to light in which those accused of serious crimes have been wrongfully convicted. The development of DNA testing has resulted in the overturning of a number of convictions after innocent people have spent many years behind bars. For example, 16-year-old David Milgaard was convicted of rape and murder and spent 23 years in prison until determined efforts by his mother led to an overturning of his conviction by the Supreme Court. Several

David Milgaard and Solange Tremblay (seated), wife of wrongfully convicted Quebecer Michel Dumont, wait in Saskatoon for a 2005 news conference to begin detailing Milgaard’s support of the wrongfully convicted. The table banner quotes William Gladstone: “Justice delayed is justice denied.”



Geoff Howe/The CP Images

years later, he was exonerated by DNA evidence and received \$10 million in compensation for his ordeal. Likewise, Guy Paul Morin was convicted in the first-degree murder of his nine-year-old next-door neighbour. Eventually, Morin underwent DNA testing that proved his innocence, and 11 years after he was first convicted, he was acquitted on appeal. A commission of inquiry into the Morin affair found evidence of misconduct by the police and the prosecution, and a misrepresentation of evidence by the Ontario Centre for Forensic Sciences. The problems were many: a forensic analyst did not adequately communicate the limitations of hair analysis to the police and prosecution. Information about the contamination of the fibre evidence at the centre was withheld. In addition, the jailhouse informant who claimed to have overheard a confession had lied in the past and had been diagnosed as a pathological liar. Further, the police had conducted a flawed and inadequate investigation, including the failure to preserve evidence.

Similarly, a commission of inquiry into three wrongful murder convictions in Newfoundland and Labrador, headed by retired Supreme Court of Canada Chief Justice Antonio Lamer, found that the police were overly impressed by “junk” evidence and that the Crown prosecutors were overaggressive in pursuit of legal victories, had tunnel vision, lacked objectivity, and were wedded to police theories (Makin, 2006).

Fourth, many victims of sexual assault have been reluctant to come forward or have found that the police and judges have been skeptical of their claims. The case of Jian Ghomeshi highlighted the difficulty of reaching a guilty verdict in a sexual assault case. (See Box 16-5: The Trial of Jian Ghomeshi.) The crime of sexual assault ranges from inappropriate touching to brutal rape.

Indigenous Peoples and the Canadian Judicial System

A highly disproportionate number of Indigenous people (compared to the rest of Canadians) find themselves in prison, in part, because of the serious social problems plaguing their communities, including high levels of poverty, violence, and substance abuse. In addition, many Indigenous young people have been forced to leave their home community and moved to foster homes in cities. Not only did they often lose their connection to their family and culture, but also many were mistreated by their foster parents.

Box 16-5 The Trial of Jian Ghomeshi

Jian Ghomeshi was the very popular host of *Q* on CBC radio from 2007 to 2014. Although he had a strong appeal, particularly to female listeners, he repeatedly sexually harassed his female producer. However, the CBC management was reluctant to take action against Ghomeshi. Eventually his employment was terminated in October 2014. Shortly afterward, Ghomeshi was charged with four counts of sexual assault and one charge of choking, based on complaints to police by three women. His trial, which began on February 1, 2016, received extensive media coverage. His lawyer, Marie Henein, highlighted the differences between the women's statements to the police and their testimony in court. As well, she pointed out the apparent collusion among the victims in preparing their testimony. Henein also noted that on certain occasions, a woman he had physically assaulted came back a few hours later for consensual sex.

To the surprise of many people, Ghomeshi was found not guilty on all five charges. In his lengthy verdict, the judge wrote

that there was insufficient evidence to establish proof beyond a reasonable doubt to convict him, and he claimed that there was “outright deception” in the witnesses' testimonies. Shortly afterward, the Crown withdrew another charge that Ghomeshi had sexually assaulted his former CBC producer. Instead, Ghomeshi agreed to sign a peace bond (which requires good behaviour for a period of time) and to issue a formal public apology to her: “No workplace friendship or creative environment excuses this sort of behaviour, especially when there is a power imbalance.”

Many women were critical of Ghomeshi's lawyer, who strongly criticized the behaviour of Ghomeshi's victims. As well, many felt that the discrepancies in the testimony of the victims were understandable given the lengthy time between some of the assaults and the trial. As well, some people wondered if a female judge would have been more likely to find Ghomeshi guilty, given the evidence of the three victims.

Moreover, Indigenous peoples have endured a long history of insensitivity and injustices by the Canadian legal system, and they have faced problems in dealing with a judicial system that is based on the culture of the non-Indigenous majority. A growing awareness of these inequities has led to proposals that a justice system for Indigenous peoples be established. For example, the Royal Commission on Aboriginal Peoples (1996) noted the fundamentally different worldviews of Indigenous and non-Indigenous people and recommended that the inherent right of Indigenous peoples to self-government should include the right to establish and administer their own justice system.

It is often argued that the adversarial judicial system that Canada inherited from Britain does not mesh with Indigenous traditions that focus on conflict resolution. The Canadian legal system emphasizes the punishment of offenders. Efforts to rehabilitate those in prison and reintegrate offenders into society have often been inadequate. In contrast, Indigenous traditions often focus on **restorative justice**—that is, taking responsibility for one's actions, repairing the harm that has been caused, and reconciling the offender, the victim, and the community. The concept of restorative justice has been applied, in some cases, through the use of **sentencing circles**. These circles may include the guilty individual, the victim, their families, elders, and other interested members of the Indigenous community, along with the prosecutor, defence lawyer, and police officers. The goal is to reach a consensus about what measures are needed to reintegrate the offender as a responsible member of the community and to assist the victim. Measures may involve addiction treatment, counselling, community service, and reparations to the victim. Sentencing circles occasionally have also recommended the traditional penalty of Indigenous peoples: banishment from the community for a length of time, as well as the conventional penalties of jail and probation. Normally, provincial courts use sentencing circles only for offences for which the maximum penalty is less than two years in jail.

The Gladue Case

A provision in the Criminal Code (s.718.2-e) states that one of the principles a court should take into consideration when imposing a sentence is that “all available sanctions other than imprisonment that are reasonable in the circumstances should be considered for all offenders with particular attention to the circumstances of aboriginal offenders.” Some clarification of the meaning of this provision by the Supreme Court was provided by the Gladue case ([1999] 1 S.C.R. 588). Jamie Tanis Gladue, a 19-year-old Indigenous mother, stabbed her common-law husband to death. She had drunk a substantial amount of alcohol and believed that her husband was having an affair with her sister.

Because she was not living in an Indigenous community, the judge did not take into account Gladue's Indigenous status and sentenced her to three years in jail. Her appeal was eventually heard by the Supreme Court of Canada. In their judgment, the circumstances of Indigenous people are unique, and in sentencing, judges can take into account the broad systemic and background factors affecting Indigenous people and the priority that Indigenous culture places on a restorative approach to sentencing. Although the Supreme Court upheld the three-year sentence, it ruled that the circumstances of all Indigenous offenders, not just those living in Indigenous communities or reserves should be considered in sentencing.

Alternative Dispute Resolution and Collaborative Family Law

Alternative dispute resolution involves the disputing parties choosing a third party (rather than a judge) to try to resolve the dispute. There are two basic types of alternative dispute resolution. The first, mediation, involves a mediator actively working with the parties, most often informally, to try to find a solution to the

Restorative Justice

The perspective that justice should focus on offenders taking responsibility for their actions, repairing the harm that has been caused, and reconciling the offender, the victim, and the community.

Sentencing Circles

A group that may include the guilty individual, the victim, their families, elders, and other interested members of the community, along with the prosecutor, defence lawyer, and police officers. The goal is to reach a consensus about what measures are needed to reintegrate the offender as a responsible member of the community and to assist the victim.

Alternative Dispute Resolution

A process in which disputing parties choose a third party (rather than a judge) to try to resolve the dispute.

problems that led to the dispute. The second, arbitration, is a more formal process in which the arbitrator listens to the positions put forward by the two parties and makes a binding decision (if the parties have already agreed to accept whatever decision the arbitrator makes). In some cases, arbitration is chosen after attempts at mediation have failed. Mediation and arbitration are commonly used in collective (union) bargaining, in some disputes between businesses, and in some disputes between businesses and consumers. Alternative dispute resolution is gaining popularity as a way of settling family disputes, such as those linked to divorce.

Another alternative to using the courts to settle disputes (particularly related to divorce and child custody and support) is **collaborative family law**. Rather than using a neutral mediator or an arbitrator, each party hires its own lawyer with experience in this process to help reach a settlement that is acceptable to both parties.

Alternative dispute resolution and collaborative family law may allow some common ground to be found between the parties to a dispute and thus lead to a more amicable solution than is likely in the adversarial format of a court. With Canadian courts often facing a severe backlog of cases, these approaches allow for a faster (and less expensive) outcome. Furthermore, they are often preferred by the individuals involved because of their private nature.

Collaborative family law

A process in which each party hires its own lawyer, who helps the parties reach an acceptable settlement without going to court.

Summary and Conclusion

The rule of law is a fundamental principle of Canada's liberal democracy. Although there are instances when agencies of the state have not acted in accordance with the rule of law, for the most part Canadians have been protected from arbitrary orders by those in positions of authority. The rule of law and the Charter of Rights and Freedoms place limits on what governments in Canada can do. Although the "notwithstanding clause" in the Charter can be used to pass laws notwithstanding the Charter, this has rarely been used.

Canada's legal system reflects, to some extent, the diversity of the country. Quebec's system of codified civil law is an important element in the maintenance of Quebec's distinctiveness. Other provinces and territories have maintained the common-law system inherited from Great Britain. Both Parliament and provincial or territorial legislatures can pass laws (consistent with their constitutional authority) that supersede the provisions of common law or Quebec's civil code.

Despite the federal nature of its government, Canada has a basically unified court system that (with certain exceptions) is responsible for hearing cases involving national, provincial, and territorial laws. The courts are expected to be independent of governments, legislatures, and public officials in order to uphold the rule of law and ensure that those accused of violating the law receive a fair and impartial trial. The courts are involved not only in applying laws but also in interpreting them and deciding on their validity. The courts can strike down legislation deemed to be in violation of the Constitution, and some judicial decisions have, in effect, established new

policies. Of particular political importance is the ability of the Supreme Court of Canada to hear references on matters of legal and constitutional importance.

The importance of judicial decisions makes the selection of judges of great significance. The prime minister and the federal minister of Justice have the primary responsibility for the appointment of Supreme Court and superior court judges, in conjunction with Judicial Advisory Committees. In recent times, gender equity has become important in the selection of judges.

There are problems with the judicial system, including lengthy waits for trials, high costs that people find in hiring lawyers to make their case in court, and, in some cases, wrongful convictions that have resulted in lengthy time in prison by innocent individuals. The "Me Too" movement has highlighted concerns about the treatment of sexual assault cases. As well, the judicial system does not reflect Indigenous values and traditions and does not adequately consider the abuses suffered by many Indigenous people. The problems faced by Indigenous peoples are reflected in the very high proportion of Indigenous people in prison.

Overall, the interpretation and application of laws by the courts is not simply a technical task of applying established rules to particular cases. Laws can be modified by changing interpretations by the courts that reflect changing circumstances, new challenges, and new ideas. The principle of judicial independence is very important to maintain public respect for the courts by ensuring that all persons can have a fair trial and that judges are not subject to intimidation from government.

Discussion Questions

1. Should Parliament and provincial legislatures be involved in the selection and appointment of Supreme Court of Canada judges?
2. Should judges be selected so as to reflect the diversity of Canadian society?
3. Should all Supreme Court of Canada justices be fully bilingual?
4. Are changes needed to deal with cases involving sexual harassment and sexual assault?
5. Would it be desirable to establish an Indigenous system of justice for Indigenous peoples?

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Chapter 17

Canada's Global Affairs



Lars Hagberg/Getty Images

In April 2018, the first-ever G7 Women Foreign Ministers' Meeting was held in Montreal, orchestrated by Canadian Foreign Affairs Minister Chrystia Freeland (right).

SOURCE: CBC News. (2018, April 22). Retrieved from <https://www.cbc.ca/news/politics/g7-ministers-meeting-toronto-1.4630734>



Learning Objectives

After reading this chapter, you should be able to

- 17.1a** Outline the evolution of Canada's foreign policy perspectives in historical context.
- 17.1b** Discuss who and what is influential in shaping and carrying out Canada's global affairs.
- 17.2** Explain and evaluate how Canada pursues its objectives through international and regional organizations, international assistance, and other multilateral approaches.
- 17.3a** Explain and evaluate Canada's security interests and the various tools to achieve these goals.
- 17.3b** Assess Canadian military spending and engagement.
- 17.4** Discuss how Canadians influence global affairs and Canada's image abroad, and explain the Canadian government's role in this regard.

Canada's hosting of the G7 Summit in June 2018 in Charlevoix, Quebec, demonstrated the wide range of issues that makeup its global affairs. Right before the Summit, United States President Donald Trump escalated a trade war with Canada, despite that upcoming Summit representing his first—and very brief—visit to the United States's most important trade ally, a year and a half after he took up office. At and immediately following the G7 Summit, Trump complained about “unfair” tariffs and trading arrangements. He pushed, unsuccessfully, for Russia to be invited back to this elite alliance of economic powers, despite its expulsion a few years prior for illegal incursions in its neighbouring Crimea. As a result, the Charlevoix Summit underscored the strained relations between the West and Russia. And with China not part of the club, questions reverberated about the United States and the West's privileged role in the global economic and multilateral system.

Meanwhile, protesters from civil society, trade unions, and environmental movements gathered in nearby Quebec City to decry a wide range of concerns, including failures to address climate change, capitalism's uneven wealth distribution, the high cost and undemocratic nature of these summits, and the Summit's guest invitation to Rwandan President Kagame—who faces accusations of having committed war crimes. The events surrounding the Summit exhibited globalization at its messiest—and most interesting.

Chapter Introduction

Canadian politics often focuses on what are seen as basically domestic issues, such as management of the economy and taxation, health care, resource management and the environment, and social issues. Nevertheless, with Canada's heavy dependence on exports, the wealth and employment opportunities of Canadians are strongly affected by the economies of our major trading partners and the functioning of the global economic system. Many Canadians are concerned about their foreign homeland or that of their ancestors.

Some issues—such as conflicts in the Middle East, uprisings against dictatorial regimes, and extreme poverty in a number of African countries—have captured the interest of many people without a direct connection to those areas. In addition, important political issues such as climate change, terrorism, and the depletion of fish stocks are global in nature. Many young people have a deep interest in helping people and communities in the world's least developed countries and in building global connections, opportunities, and careers. The advent of the #MeToo movement globally and greater attention on the horrors of sexual violence in conflict have shone a spotlight on patriarchal systems of oppression and discrimination and violence against women, giving urgency to cross-national solidarity and organizing to combat these scourges.

Finally, Canada's identity has been shaped, to a considerable extent, by the country's participation in wars, peacekeeping and peace-building efforts, and its generally positive international image. Global affairs—including diplomacy, military action and national security, and participation in multilateral organizations and initiatives—is one of the few policy areas where the Canadian government is the key actor, with provincial governments generally having a relatively minor role.

Canada's Global Affairs in Context

17.1 Outline the evolution of Canada's foreign policy perspectives in historical context.

17.2 Discuss who and what is influential in shaping and carrying out Canada's global affairs.

In the social sciences, the choice of words used to discuss and analyze international or global affairs and relations carries connotations of different perspectives

and frames of reference. “Foreign affairs” refers to how countries see and advance their interests in and with other countries and on the world stage, while “foreign policy” is a term generally associated with a more formal government-led strategy of conducting a state’s international relations or its relationship with other national governments and the international organizations to which it belongs. In this context, transnational actors, processes, or movements can describe the lessening importance of national borders and conceptions in an interconnected world.

What Do We Mean By “Global Affairs?”

We have chosen to use the broader term “global affairs” in this chapter to recognize that a variety of actors shape, influence, and are responsible for Canada’s—and Canadians’—position in the world. The term recognizes the interdependence of actors in a world where states’ individual decisions often have global reverberations and repercussions, and where non-state actors are increasingly influential in world affairs. We also seek to address growing concerns that “foreign” can have an “us vs. them” connotation—an othering polarization that is simply less relevant in a globalizing world. Nonetheless, the term “foreign policy” remains relevant, particularly when describing state-led perceptions or initiatives.

Globalization, in the chapter’s context, thus refers not simply to the increasing freedom of movement of trade, capital, people, culture, and ideas across borders but also of a more interconnected world, where foreign affairs is no longer simply the purview of states. Likewise, in political science and related disciplines, the study of global affairs is increasingly the term selected to refer to a broader and less state-centric approach than the more classic international relations or international studies. It also tracks a shift in the name of Canada’s main federal government department responsible for Canada’s diplomatic relations—or relationships with other states and institutions—as well as consular support to Canadians abroad, trade, development, and humanitarian assistance (Global Affairs Canada, 2018a). Under the Justin Trudeau government, in 2015, the department switched its public name to Global Affairs Canada (GAC) from Foreign Affairs, Trade and Development Canada.

Globalization

The increasing freedom of movement of trade, capital, people, culture, and ideas across borders, creating a more interconnected world.

General Perspectives on Canada’s Global Affairs

Today, Canada is generally seen as a moderately influential and certainly contributing player on the world stage. Canada played an active role in World War I. However, in the 1920s and 1930s, and throughout the Great Depression, Canada tended toward **isolationism** (a desire to steer clear of foreign involvements), despite its role as a founding member of the League of Nations in 1919, the precursor to the United Nations, which was founded after World War II.

Isolationism

A desire to steer clear of foreign involvements.

Canada began exercising a fully independent foreign policy by the end of the 1920s, and it officially became an independent country based on the 1931 Statute of Westminster. The country subsequently became an active participant both in military alliances and a variety of international organizations, including the United Nations in 1945. Canada’s global affairs perspective since World War II has often been described as leaning toward internationalism. This approach holds that each country should take “a constructive role in managing global conflicts” by working with other countries rather than acting unilaterally. It involves actively supporting international institutions and promoting international law (Nossal, 2013, p. 23).

More specifically, Canada’s foreign policy as it developed, particularly during the governments of St. Laurent (1948–1957) and Pearson (1963–1968), can be

Liberal Internationalism

The idea that the application of liberal values—including rights and freedoms, democracy, the rule of law, and justice, combined with the growing interaction and interdependence among the peoples, economies, and countries of the world—can make a peaceful world possible, particularly through the development of international institutions.

Realist Vision of International Relations

The perspective that because the world has no central authority able to impose order, each country is concerned primarily with security, survival, and promotion of its own national interests.

termed **liberal internationalism**. This involves the idea that the application of liberal values—including rights and freedoms, democracy, the rule of law, and justice, combined with the growing interaction and interdependence among the peoples, economies, and countries of the world—can make a peaceful world possible, particularly through the development of international institutions (Nossal, Roussel, & Paquin, 2010). Subsequent Conservative governments have tended to de-emphasize liberal internationalism by touting a more **realist vision of international relations**, which places greater value on security considerations and defending the national interest, including through military power, when needed. This perspective contends that because the world has no central authority able to impose order, each country is concerned primarily with security, survival, and promotion of its own national interests. However, in practice, these more right-leaning governments have embraced the core tenets of liberal internationalism, while Liberal governments have themselves sought to defend Canadian security and national interests through their foreign policy.

Liberal internationalism has often been viewed as an appropriate foreign policy for Canada. As a “middle power,” Canada can try to constrain the great powers by encouraging (particularly in cooperation with other middle powers) the development of international law that all countries are expected to follow. Likewise, establishing multilateral organizations such as the United Nations gives all member countries a voice and a vote (even though the five great powers on the Security Council of the UN each hold a veto on important decisions). At times, Canada as a middle power has used quiet diplomacy to try to resolve international conflicts or, particularly during the Cold War, to try to persuade its historic ally, the United States, to avoid actions that might lead to a world war (Nossal, Roussel, & Paquin, 2011). Nevertheless, despite the emphasis on promoting peaceful cooperation, advocates of the liberal internationalist approach, like Pearson, saw the Soviet Union as a threat to world peace during the Cold War. They thus supported building the military strength of the North Atlantic Treaty Organization (NATO), including the stationing of a substantial number of Canadian troops in Europe, to contain the Soviet Union.

Liberal internationalism can be said to rise and fall as a characteristic of Canadian foreign policy in recent decades. Certainly, the Conservative government of Stephen Harper displayed little interest in liberal internationalism, perhaps because of its perceived connection to the Liberal Party. Under his tenure, there tended to be a more “hardline” approach that characterizes international affairs in terms of good versus evil (although the characterization of which countries are “good” and worthy of Canada’s support is often controversial). This approach had mixed results, with many blaming Harper for Canada’s failure to win a rotating seat at the Security Council in 2010. Prime Minister Justin Trudeau has sought to characterize Canada as a renewed multilateral player, announcing “Canada is back” at the United Nations and seeking the coveted rotating Western bloc seat on the UN Security Council for 2021–2022.

Hard Power

The use of coercion to get another country to act in a certain way.

Soft Power

The use of a country’s culture, political values, and foreign policies to influence another country’s behaviour through non-coercive means.

Hard Power and Soft Power

Hard power involves using coercion to get another country to act in a certain way. Hard power includes the use or threat of military force as well as the use of economic sanctions. For example, Canada convinced a number of other countries to join in imposing economic sanctions on South Africa to pressure that country to end its racist policy of apartheid. Joseph Nye (Nye, 2004) asserts that a country’s success in world politics can come from its “**soft power**”: the attractiveness of its culture, its political values (provided it acts consistently with them), and its foreign policies

(“when they are seen as legitimate and having moral authority” (quoted by Clark, 2013, p. 18). Joining the Defence minister in announcing a “substantial investment” in Canada’s military in June 2017, Foreign Affairs Minister Chrystia Freeland noted, “Canadian diplomacy and development sometimes require the backing of hard power” (Ljunngren, 2017, June 6).

Canada’s hard power is limited and can be used effectively only in conjunction with other countries. In fact, despite Conservative Prime Minister Harper’s emphasis on Canada’s past wars, and Trudeau’s pledge to renew the armed forces, critics note that Canada’s military spending as a percentage of national income is among the lowest in NATO, with perceived chronic underinvestment in infrastructure and equipment.

Canada’s soft power can be significant. Canada’s democratic, politically stable federal system in a multicultural society with a prosperous economy and an emphasis on human rights has created a positive image in many countries. The youthful, liberal Prime Minister Trudeau’s rise to power further entrenched this perception. (See Box 17-1: Trudeau’s Global Affairs Record.) However, this image is sometimes marred by the treatment and condition of Indigenous peoples and,

Box 17-1 Trudeau’s Global Affairs Record

When Prime Minister Trudeau came to power in 2015, he promised that “Canada is back” on the international stage. The youthful leader was initially a global political and media darling, with fans in countries around the world vying to take selfies with him on his travels. Several years later, has he delivered on his promises?

Generally, Trudeau’s re-engagement with the multilateral system, including the UN, has been favourably received. His pledge to increase Canada’s participation in peacekeeping was lauded; however, his failure to deliver on the targeted number of Canadian uniformed personnel for peacekeeping missions has set back the government’s record. (See Figure 17-3.) Nonetheless, Canada’s Elsie Initiative to increase the number of women in UN peacekeeping, part of the government’s applauded shift toward a feminist foreign policy, could improve Canada’s perception—and that of UN peacekeeping more broadly—significantly. Still, critics argue that Trudeau’s continued failure to increase its Official Development Assistance (ODA) to anywhere near the proposed 0.7 percent target of national income (see Figures 17-1 and 17-2) is a blemish on Canada’s multilateral record.

Trudeau also received widespread praise for re-engaging with Canada’s most important ally, the United States, quickly improving relations with the Obama administration, which had soured under Prime Minister Harper (Delvoie, 2018). He has faced a more difficult challenge with Trump, whose anti-UN, anti-liberal world order views are diametrically opposed to Trudeau’s (2018). Still, Trudeau’s government has attempted to weather the storm, skillfully handling Trump’s insistence on renegotiating the North American Free Trade Agreement (NAFTA).

Trudeau has had less success in relations with China, failing to launch free trade negotiations due to efforts to include “progressive” stipulations that were seen as meddling by the Chinese (Delvoie, 2018). Canada also got caught up in U.S.-led efforts to reign in Huawei, China’s telecom giant,



Justin Tang/The Canadian Press/AP Images

Prime Minister Trudeau attempts to shake hands with President Trump during the G7 meeting in Quebec in June 2018.

SOURCE: <https://nexus.prod.postmedia.digital/wp-content/uploads/2018/08/g7-summit-201806081.jpg> (in <https://www.thewhig.com/opinion/columnists/mixed-record-on-foreign-affairs>)

resulting in tit-for-tat detentions of Chinese and Canadian nationals. Trudeau’s visit to India, another important trade partner, was mired by an official event invitation extended to a dual national convicted of terrorist acts, and the Trudeau family’s donning of Indian clothing, considered by many to be inappropriate cultural appropriation (not to mention expensive).

One important test for Trudeau’s record will be Canada’s effort to win a seat on the UN Security Council for 2021–2022, with the vote taking place in June 2020. His predecessor, Harper, failed to win a seat during the 2010 Security Council elections—the country’s first such loss—in part due to Harper’s uncompromising support for Israel, which angered many Arab countries in the region, and the government’s perceived cuts to international assistance for many African countries.

for some countries, our close connection to the United States. As well, Canada's previous unwillingness to take strong action on climate change under the Harper government resulted in a negative international image. The Trudeau government's support for pipelines to transport oil and gas from production sites to markets has, to a lesser degree and in some eyes, tarnished Canada's image by portraying it as a country prioritizing economic over environmental interests, despite domestic divisions on this issue. In the past decade, Canada's once highly respected diplomatic corps has been weakened; Canada has reduced its involvement with the United Nations (though Trudeau is trying to resurrect this), and its strong, unqualified defence of Israel has been at odds with the view of a large majority of UN members. Further, Canada's mining industry (which has a large presence in many parts of the world, particularly in the Global South) occasionally casts Canada in a negative light, when scandals of exploited workers and damage to the environment come to the surface.

Soft power is not always successful, and hard power—or its threat—may be necessary to achieve important objectives. However, the use of military force, even with the best of intentions, can have negative consequences.

Historical Background

At its founding in 1867, Canada was part of the British Empire. Although Canada was basically self-governing in domestic matters, Britain directed the country's external relations. Only gradually was Canada able to take control of its foreign policy.

Canada's Early Years

In 1871, Canada's prime minister, Sir John A. Macdonald, was part of the British delegation that negotiated the Treaty of Washington, which laid the groundwork for friendly relations between Britain and the United States and dealt with a variety of issues affecting Canada–U.S. relations. As it turned out, Macdonald was unhappy with the concessions made by Britain at Canada's expense. In 1880, Canada took a step toward representing itself by appointing a high commissioner to London to voice Canadian interests related to immigration and trade. In 1893, Canada negotiated a tariff agreement with France, although the British ambassador in Paris had to sign the treaty on behalf of Canada, as the Canadian government did not have treaty-making power. In 1909, a tiny Department of External Affairs was set up (housed above an Ottawa barbershop), although foreign policy remained a British responsibility.

World War I and Its Aftermath

Canada's contribution of over 600 000 soldiers to the British Empire's forces in World War I, along with its heavy casualties, earned the country a place at the negotiating table that set the terms of peace. In 1920, Canada became a founding member of the League of Nations, an organization created after the war to try to prevent future conflicts (and the precursor to the United Nations). In 1922, the Canadian government refused a request for military assistance to protect British and French troops that were threatened by Turkish forces in the demilitarized Dardanelles.¹ In 1923, despite British

¹ Liberal Prime Minister Mackenzie King had not been consulted about the issue and responded that the Canadian Parliament would decide on Canada's course of action. Although Conservative party leader Arthur Meighen stated that Canada should have replied "Ready, aye, ready" to the British request, the incident established the principle that Canada would not automatically take part in British wars.

objections, Canada negotiated and signed a treaty with the United States to protect Pacific halibut.

A resolution at the 1926 Imperial Conference (confirmed by the 1931 British Statute of Westminster) made it clear that Canada and the other dominions were not subordinate to Britain in domestic and external affairs. To reflect its new control over its own foreign policy, Canada appointed ambassadors to the United States (1927), France (1928), and Japan (1929).

World War II and the Cold War

Canada entered World War II after a parliamentary vote. Overall, about 1.1 million Canadians served in the armed forces during World War II—a high proportion of Canada's population of about 11.5 million at the time.

World War II marked the beginning of a close military relationship with the United States. With the real possibility that most of Canada's armed forces would be lost if Nazi Germany successfully invaded Britain, President Roosevelt promised to defend Canada.

The end of World War II brought a major change to the international system. With the other major powers devastated by the war, the United States and the Soviet Union emerged as the "superpowers." This created a "bipolar system" in which two superpowers—ideologically opposed between capitalism and communism—competed with one another. Most other countries became either allies or satellites of one or the other of the superpowers.

The establishment of the **United Nations** in 1945 led to hopes that this body would prove more effective than the League of Nations in encouraging the development of a more peaceful world. In addition to promoting human rights, decolonization, and development, the United Nations provided the basis for the collective security of countries by empowering the **Security Council** to take action, including military action if necessary, "to maintain or restore international peace and security" (United Nations, 1945). Although Canada emerged from World War II with a powerful military and a vigorous economy, the country was not included among the five permanent members of the Security Council (the United States, Soviet Union, Britain, France, and China), each of which continues to have a veto over the actions of the council. Canada has been elected six times by the UN General Assembly to serve a two-year term on the 15-member council. However, Canada lost its bid for a seat in 2010. It is currently running for a seat on Council for 2021–2022, against Western group rivals Norway and Ireland. (For more information about the United Nations, go to www.un.org/en.)

The hopes for world peace in the aftermath of World War II were dashed by the Cold War. A communist coup in Czechoslovakia in 1948 and the blockade of Berlin by Soviet forces from 1948 to 1949 encouraged Canada and the United States to form a military alliance, the NATO, with a number of European countries. This collective security agreement included the provision that an armed attack against any of the member countries in Europe or North America would be considered an attack against all of them. Each member would be required to take "such action that it deems necessary, including the use of armed force" in such circumstances.

The Cold War resulted in large numbers of NATO troops and weaponry being stationed in central Europe in order to respond to a possible attack by the Soviet army. Canada sent about 10 000 troops, stationed mainly in Germany. However, it was in other parts of the world that Cold War hostilities led to warfare. The invasion of South Korea by communist North Korea in 1950 was countered by forces from a number of

United Nations

An organization of almost all the countries of the world, established in 1945.

Security Council

A key body of the United Nations responsible for maintaining international peace and security. It consists of five permanent members, who each have a veto, and ten members elected by the UN General Assembly for two-year terms.

countries (including Canada) led by the United States and authorized by a resolution of the Security Council of the United Nations.²

Despite the relatively cozy relationship between Canada and the United States that developed during the Cold War, Canada avoided direct participation in the US-led Vietnam War (1964–1973), in part due to limited public support for the war. Prime Minister Lester Pearson, in a striking departure from “quiet diplomacy,” publicly criticized the American bombing of North Vietnam.

Nonetheless, the Cold War, along with innovations in military technology, also ended Canada’s isolation from the potential theatres of war. Canada cooperated with the United States to build radar systems to counter the threat of long-range Soviet bombers with nuclear weapons, establishing the North American Air Defense Command (NORAD) in 1957, with a joint command structure with headquarters near Colorado Springs, Colorado. It was renamed the North American Aerospace Command in 1981.

The Contemporary World

With the ending of communist rule in Eastern European countries in the late 1980s and the dissolution of the Soviet Union in 1991, the Cold War drew to a close. The end of the Cold War fundamentally transformed the international system, making it unipolar rather than bipolar. The United States became the lone superpower, whose military capabilities far exceeded those of any other country and, indeed, surpassed those of almost any combination of countries. This has given the United States the capability to launch unilateral actions nearly anywhere in the world. Nevertheless, there are limits to the military and financial capabilities of the United States. Therefore, the United States has persuaded other countries to join in various military actions, both to reduce its personnel and financial burdens and to try to enhance the legitimacy of its actions. Furthermore, while the United States can wield its military might globally, several regional powers (including Russia, China, India, Iran, and South Africa) are influential in their own parts of the world.

The collapse of the Soviet Union in 1991 led to the expansion of NATO to its current 29 members, including many Eastern European countries that were members of the Soviet-led Warsaw Pact, as well as the Baltic states that were once part of the Soviet Union. Although the Russian Federation is smaller and weaker than the Soviet Union, it is still an important international actor. Not only is it a leading nuclear power, but it also has important energy resources needed by many European countries. Under authoritarian president Vladimir Putin, it took the Crimean peninsula from Ukraine, supported rebels in eastern and southern Ukraine who seek to rejoin Russia, fought a brief war with Georgia, and occupied two of its regions. Russia has also supported the governments of Syria and Iran and has been developing closer relations with Venezuela and Brazil and, to some extent, India and China. Although some of these ties are economic, they do point to Putin’s desire for Russia to have increased influence in the world.

NATO’s activities have moved beyond the collective security of its members and beyond the borders of Europe. In particular, NATO has played an active role in various conflicts arising from the breakup of Yugoslavia as well as combating the insurgency in Afghanistan and supporting rebel forces in Libya.

² The Soviet Union did not exercise its veto because it was boycotting the Security Council at the time to protest that the government of the Republic of China (Taiwan), rather than the communist People’s Republic of China, was holding China’s permanent seat on the council.

The end of the Cold War has not resulted in a peaceful world. For example, a war in the Democratic Republic of the Congo from 1998 to 2003 (sometimes referred to as “Africa’s world war”) involved eight African countries and a variety of armed groups. It resulted in millions of deaths, and conflict has continued in the eastern Congo. Ethnic tensions underlying the breakup of the multinational Federal Republic of Yugoslavia led to war between Serbs, Croats, and Muslims in Bosnia between 1992 and 1995. Some conflicts have involved massive human rights violations, such as the genocide in Rwanda (1994), where Hutu militias massacred as many as a million people, mostly members of the Tutsi minority as well as Hutu moderates. Sudan, Somalia, Yemen, Syria, Sierra Leone, and a number of other countries have also suffered devastating civil wars (often backed by foreign countries), some of which have lasted for many years. As well, many countries have been affected by terrorism.

Although Canadians and Americans have often taken pride in having the world’s longest undefended border, the fear of terrorist attacks led the U.S. government to tighten its border with Canada. With Canada heavily reliant on exports to the United States, long delays at border points can seriously harm Canadian businesses. Business interests have therefore pressured the Canadian government to coordinate, collaborate, and share information with the United States on a variety of matters relating to security. Further, concerns about access to American markets have led some associated with the business community to lobby for a close integration of Canada and the United States, including a North American security perimeter and closer military ties (Tomlin, Hillmer, & Hampson, 2008). In 2011, Canada and the United States announced an agreement to establish a North American security and trade perimeter designed to further integrate information-sharing systems and improve the flow of trade and travel across the border. Some analysts have raised concerns that the agreement reduces Canadian sovereignty and undermines Canadian privacy protections. During the Obama administration in the United States, some felt that Canada’s national interest should be pursued by developing a close partnership with the United States rather than promoting internationalist values (Hart, 2008; Rempel, 2006). This is changing with the volatile Trump administration and its strong “America First” nationalistic orientation.

Thus, while Canada joined its Western allies in their military actions during World War II and the Korean War, it began charting its own foreign policy course from the mid-1950s onward. During the Cold War, Canada promoted democratic governance and market capitalism; however, it retained a certain independence—for example, maintaining relations with Castro’s Cuba in contrast to the U.S. blockade and shying away from military support for the non-communist side in the Vietnam War. Post-9/11, Canada has joined the global fight against terrorism by contributing to poverty alleviation and support for the rule of law as well as through military commitments and actions such as in Afghanistan and against ISIS/the Islamic State. Yet, Canada refused to join the United States and the United Kingdom in the 2003 invasion of Iraq. These deviations can be considered a difference of strategy or action, however, rather than of overall goals.

How Is Canadian Foreign Policy Developed and Exercised?

Foreign policy is the responsibility of the federal government in Canada. (For the ways that the Canadian government conducts foreign policy, see Box 17-2: Foreign Policy Toolkit.) While the Constitution Act, 1867, does not specify legislative authority over foreign affairs or international relations, the field of foreign policy is largely governed by prerogative powers devolved from the British monarch to the federal political

Box 17-2 Foreign Policy Toolkit

The federal government has a range of tools it uses to conduct foreign policy, including its embassies and diplomatic representatives, ministers, and other elected officials. These approaches can include

- Political-level engagement, where the prime minister, the Foreign Affairs minister, the Trade minister, the International Development minister, or other elected officials meet with counterparts to advance Canada's global interests;
- The actions of Canadian diplomats (representatives) at embassies abroad, as well as of Canadian officials in Ottawa whose areas of focus are international in nature;
- Working through international, multilateral, and regional organizations and alliances, such as the G7 and G20, where both elected and government officials participate and advance interests in conjunction with allied governments;
- The appointment of eminent persons to act as emissaries, for example, former Ontario premier Bob Rae acting as Canada's representative on the plight of the Rohingya people, who have been forced to endure state-sanctioned repression in Burma or flee to neighbouring Bangladesh;
- Government officials promoting Canadian companies and their innovation, expertise, and products and services abroad;
- International assistance designed to save lives and improve the living conditions of people in other countries.

executive. (See Chapter 13 for more.) Power over immigration, however, is specified as shared between the federal and provincial governments. Generally, the federal political executive seeks parliamentary approval for major foreign policy decisions and actions, either directly or through the House of Commons Standing Committee on Foreign Affairs and International Development, and the Standing Senate Committee on Foreign Affairs and International Trade.

Implementation of Canadian foreign policy is then led and coordinated through GAC. That department includes traditional foreign affairs, trade, and development expertise and officials and manages a network of embassies and consulates in some 180 countries. Canadian diplomats and other government officials work at these offices and represent Canadian interests abroad. As explored in the section "Canadians in the World," Global Affairs representatives also offer consular assistance to distressed Canadians abroad. Other government departments, from the Department of National Defence and the Royal Canadian Mounted Police (RCMP) to Health Canada and Agriculture Canada have an influence on foreign policy development in Ottawa and have representatives serving their department's interests abroad and in the global context.

Increasingly, despite the federal government's responsibility for foreign policy, military actions, and national security, provincial governments are seeing it in their economic, cultural, and social interests to devote resources to international affairs, whether that is dedicated ministries or secretariats within their bureaucracies or the appointment of representatives abroad, who may be co-located within Canadian government embassies and consulates. Quebec has long led this charge, with over two dozen offices in key cities around the world (Ministère des relations internationales et Francophonie, 2018). Moreover, most international treaties need provincial buy-in to take effect, given the provinces' extensive jurisdiction. For example, in the negotiation of the United States–Mexico–Canada Free Trade Agreement (USMCA), the United States and Mexico sought access for wine producers to Canadian markets, yet alcohol regulation is a provincial responsibility (Borzykowski, Enochs, and Agren, 2017). Thus, during renegotiation of the NAFTA, most provinces had trade teams or even chief negotiators to lobby GAC and other stakeholders on their key issues of concern.

Who and What Influences Canada's Global Affairs?

While federal government representatives officially lead on developing and carrying out Canadian foreign policy, a range of other stakeholders are influential in shaping global affairs. There are a number of different vehicles for exercising this influence.

Campaigns by non-governmental organizations (NGOs), think tanks, and influential individual Canadians aim to mobilize residents to engage their elected officials and influence official policy, including through petitions, letter-writing, and lobbying. Amnesty International's mobilization campaigns to get Canadians to demand tougher action on Saudi Arabia (and a freeze of weapons sales) because of their repressive treatment of women and fuelling of civil war in Yemen (among other human rights abuses) is emblematic of this approach. Sometimes these organizations and influential people engage Canadian officials directly on select topics. For example, at the Vancouver Peacekeeping Defence Ministerial conference in 2017, former UN peacekeeping leader and Canadian Senator Roméo Dallaire was successful in pushing for new "Vancouver Principles" on eliminating the use of child soldiers in conflict; this was, in part, due to his close connections with Liberal leaders, sway with bureaucrats at GAC, and public visibility. Traditionally, opinion pieces (op eds) by prominent individuals in the national and international media can influence government policy. Social media is increasingly an avenue for a range of stakeholders to advance their vision of foreign policy, and the federal government is increasingly paying attention to those media. Corporate interests tend to exercise influence through direct access to government officials in a process called lobbying, which comprises meetings or events to advocate for specific positions, deals, or actions. NGOs and even provinces also lobby the federal government; for example, the province of Quebec has historically been a prominent lobbyist for increased federal spending on international assistance and also to defend the trade of asbestos, which the province produces despite known human health risks.

To some extent, domestic partisan considerations have become an important influence on foreign policy (Nossal, 2013). This can include the potential influence of—or desire of—political parties to court specific ethnic or diaspora groups in Canada. For example, the strong position taken against the Russian attacks on Ukraine in 2015 might be explained, in part, by the importance of Canada's large population of Ukrainian ancestry. Economic considerations, which are discussed in other chapters, also have important effects on foreign policy positions. Trade relationships, in particular, are cornerstones of Canada's global outlook. It is therefore not altogether surprising that Prime Minister Trudeau trusted his Foreign Affairs



Foreign Affairs Minister Chrystia Freeland led NAFTA's renegotiation discussions for Canada.

SOURCE: Centre for International Governance Innovation. Retrieved from <https://www.cigionline.org/articles/nafta-renegotiations-what-you-need-know>

Minister Chrystia Freeland to lead the renegotiation of the NAFTA, renamed the United States–Mexico–Canada Free Trade Agreement in 2018, given the importance and delicate nature of Canada’s relationship with the United States, and with Mexico to a lesser degree.

Canada as a Multilateral Actor

17.2 Explain and evaluate how Canada pursues its objectives through international and regional organizations, international assistance, and other multilateral approaches.

As a middle-range power, Canada often works with other countries to achieve its objectives.

International and Regional Organizations

Clearly, Canada does not have the military power of the United States, China, Russia, or various other countries, including Britain and France. However, Kirton argues that through its active involvement in important international organizations Canada has been able to effectively pursue its interests and affect the positions adopted by these organizations (Kirton, 2011). Nevertheless, Canada’s once substantial influence at the United Nations has declined. Likewise, although Canada once had a leading role in promoting various international environmental goals, it had been widely condemned for its failure to take meaningful action on global climate change. It remains to be seen whether its plan to adopt a carbon tax, despite some provincial objections, will change that perception.

The United Nations is one of the most visible and arguably important international organizations in which Canada participates. Established in 1945 as a means “to prevent future generations from the scourge of war,” the United Nations has grown into a massive organization with separate entities covering an array of critical global issues, from nuclear disarmament to maritime law. Its vast agencies spend billions annually to deliver humanitarian and development assistance, protect refugees and displaced persons, and deploy peacekeeping missions to countries in conflict. Canada is an active player in the United Nations, generally working alongside the “Western Europe and Others” (WEOG) regional group to promote its interests at the UN General Assembly, of which all member states have an equal vote. Yet, it also works as part of more diverse alliances, such as through its role as chair of the Group of Friends of Women, Peace, and Security, which will often deliver joint statements at open debates of the 15-member UN Security Council.

Regional alliances of like-minded countries are also an important avenue for advancing Canadian global interests. Canada participates in the NATO, a political and military alliance set up during the Cold War era to ensure collective security, with the underlying principle that a threat against one member of NATO is a threat against the entire group.

Canada is a key player in the Group of Seven (G7), seven countries with “advanced” economies that meet annually at the head of government/head of state level to advance shared goals (along with invited leaders from other countries and organizations, who participate in some sessions).³ With its rotating presidency, Canada hosted the G7 Summit in Charlevoix in 2018. At that Summit, Canada notably advanced a focus on gender equality, striking a special eminent advisory council to advise Canada’s G7 presidency and convening the first-ever meeting of women

³ The G7 was formerly the G8, until Russia was suspended in 2014 over its annexation of Crimea and then left the group in 2017.

foreign ministers in Montreal. The G7 also holds regular meetings of ministers responsible for particular policy areas, such as finance and the environment.

Recognizing that emerging economies have an increasingly important role in the global economy and political sphere, the Group of 20 (G20)—19 countries plus the European Union—represents two-thirds of the world's population and about 85 percent of the global economy. While finance ministers and central bank governors meet several times a year on financial and economic issues, since the 2008 financial crisis, leaders of the G20 meet annually. Other ministers and representatives of foreign ministries, known as “sherpas,” meet regularly on broader political and economic issues. Major international organizations, including the UN, the World Bank, and the International Monetary Fund (IMF), are invited to take part.

The G7 and G20, which hold annual leaders' summits behind closed doors, do not have a permanent office or staff. In contrast, the Organisation for Economic Co-operation and Development (OECD) has a substantial staff that provides information and policy advice designed to promote economic growth and financial stability as well as advice on effective development assistance. The 36 members of the OECD are countries with developed economies and some emerging countries (such as Mexico, Chile, and Turkey) that meet its standards.

Canada is also an active participant in two international organizations that reflect the country's British and French colonial heritage: the Commonwealth and L'Organisation internationale de la Francophonie.⁴ In both these organizations, Canada has, at times, pursued a democracy and human rights agenda. For example, Prime Minister Brian Mulroney led the fight to persuade the Commonwealth to impose economic sanctions on the apartheid regime in South Africa. Haitian-born former Canadian governor general Michaëlle Jean was recently the Secretary-General of the Francophonie. In addition, Canada is a member of several regional organizations, including the Organization of American States (OAS), the Arctic Council, and Asia-Pacific Economic Cooperation (APEC).

In total, Canada is a member of more than 80 international governmental organizations. (See Box 17-3: Canadians in International and Multilateral Institutions.) Canada's involvement in a variety of international organizations is seen by some as a counterweight to Canada's strong ties to the United States. However, Canada often takes similar positions to the United States in these organizations—although this is changing as the Trump administration's mistrust of multilateralism causes the United States to withdraw funding, support, and even membership from some international bodies.

Box 17-3 Canadians in International and Multilateral Institutions

One way for Canada to increase its influence through regional, international, and multilateral organizations is by having its nationals occupy senior roles in them. As such, the Canadian government may support the election of Canadian candidates for election or appointment to these bodies. For example, in 2017 Canada supported the election of Kimberly Prost, a former Canadian government and UN lawyer, as a judge at the International Criminal Court (ICC), a body that Canada helped

create. To exercise this influence, the government may convene meetings where candidates can meet key players, amplify candidacies on social media, and/or conduct private lobbying on candidates' behalf. Once elected or hired, the Canadians in these roles act independently, but they may help feed information back to Canadian officials, and the government can generally feel confident that its broader interests and values will be represented by having people in these roles who are broadly aligned.

⁴ Quebec, which has its own international relations department, is also a full-fledged member of *la Francophonie*.

Liberal Internationalist Conception of International Relations

The idea that states can rely primarily on soft power and mutual cooperation to advance their goals.

Universal Declaration of Human Rights

A statement adopted by the UN General Assembly in 1948 to proclaim the fundamental human rights to be universally protected. The Declaration is considered the cornerstone of international human rights law and has been translated into more than 500 languages (United Nations, 1948).

Convention Relating to the Status of Refugees

A 1951 treaty ratified by 145 states that defines the term “refugee,” sets out refugees’ rights, and outlines states’ legal commitments to protect them. The UN Refugee Agency (UNHCR) is considered the “guardian” of the 1951 Convention and its associated 1967 Protocol.

Global Rules and Rights

In the **liberal internationalist conception of international relations**, states rely primarily on soft power and mutual cooperation to advance their goals. As Canada’s participation in the global refugee protection system (discussed below) exemplifies, Canada is a strong champion of a rules-based international order and promotes the rule of law globally. For example, it engages within the UN system and other regional bodies to promote trade and economic policies that are predictable and equitable. In its bilateral international assistance, it supports countries’ efforts to enhance their legal systems, to create a level playing field for business, and to create mechanisms to protect the rights of citizens and residents.

The rule of law goes hand in hand with strong protection for rights. Canada is a champion of human rights around the world; in fact, Canadian officials were behind the idea and the creation of the **Universal Declaration of Human Rights**, adopted in 1948 as the United Nations was being established. Through its participation in regional and international organizations, it advocates for the promotion and protection of human rights, including related rights such as children’s rights, sexual and reproductive health, and freedom of expression. It also pushes for these rights in its bilateral interactions with other states, through diplomatic channels and development cooperation. This promotion is sometimes critiqued as being paternalistic and neo-colonial, with some pointing out Canada’s own domestic challenges in defining and ensuring the rights of Indigenous peoples in Canada.

Welcoming Refugees and Immigrants

Canada has been considered a “country of immigrants,” due to the varied origins of the majority of its population, who have migrated to Canada in waves throughout its history. However, this trite phrase brushes aside the large number of Indigenous peoples who lived in Canada prior to the arrival of Western settlers—and whose numbers were decimated upon contact by conflict and disease. In Canada, immigration policy has tended to focus on domestic interests, such as bringing in skilled workers to fill labour shortages, while refugee policy is generally more geared toward responding to global politics, such as intractable conflicts that have led to widespread displacement. (See Chapter 3.)

In the twentieth century, there was a growing awareness and recognition of groups and individuals at risk of persecution in their countries of citizenship or residence and in need of global responses and protection. Responding to “refugee crises” has been a major source of both domestic pride and external praise for Canada—though this has not been without its challenges or critics.

Canada wasn’t always welcoming to refugees. For example, the country has been heavily criticized for not taking in Jewish refugees fleeing Nazi Germany. In 2018, Prime Minister Trudeau apologized for Canada’s turning away German Jewish refugees aboard the *MS St. Louis* in 1939, which resulted in about a quarter of the passengers dying in concentration camps in the Holocaust (Prime Minister of Canada, 2018). In 1956, Canada accepted some 37 000 Hungarian refugees, one of the first big groups of people fleeing persecution to settle in Canada. Canada finally signed the **1951 Convention Relating to the Status of Refugees** in 1969, a treaty developed after the horrors of World War II that defines who can be considered refugees and sets out the international protections that governments must afford them.

After the Vietnam War, Canada took in hundreds of “boat people” affected by conflict in southeast Asia. In doing so, it pioneered a new form of refugee resettlement, where groups of five or more Canadians can privately sponsor refugee families, agreeing to support them for at least their first year in Canada. For this generosity, Canada was awarded the Nansen award in 1986 (an award given annually by the UN Refugee Agency to recognize exemplary refugee protection). This tradition of engaging Canadians to support refugee integration in Canada has continued over the decades. Most recently, after the Trudeau Liberals were elected in 2015, they pushed refugee

resettlement—including private sponsorship—as a key foreign policy goal in response to the intractable Syrian crisis, eventually resettling nearly 60 000 (as of September 2018) Syrian refugees who faced increasingly dire prospects for return to their country or integration in neighbouring countries. In general, Canada “punches above its weight” in terms of refugee resettlement annually (Smit, 2017), and this proportion per capita could rise as refugee resettlement plummets during Trump’s presidency in the United States and with growing opposition to refugee resettlement in a number of European countries.

Another way that Canada supports refugees is by providing international assistance to the UN Refugee Agency and to non-governmental organizations to support refugees living in camps or settlements outside their countries of origins, or to people displaced within their own countries (known as internally displaced persons, or IDPs). These arrangements should, in theory, facilitate refugees to go back to their homes when it is safe to do so; however, due to long-standing conflicts or uncertain political or economic futures, these camps have become entrenched, and generations of families have been raised in them. UNHCR refers those most in need of protection to third countries such as Canada for long-term resettlement.

While refugees can be resettled from abroad, there is also a refugee status determination system for asylum seekers who independently arrive in Canada, whether by crossing at a land border or arriving by sea or by air (sometimes having a short-term visitor’s visa, sometimes not), and then make claims for refugee status on arrival. Nearly 22 000 people made such asylum claims in 2017 (Government of Canada, 2018c). However, the challenges are numerous: financial and geographic barriers hindering asylum seekers’ ability to make it to a Canadian border; the determination system’s significant backlog; the possibility for detention for some claimants; and a Safe Third Country Agreement with the United States that requires asylum seekers arriving at official ports of entry to seek refugee status in the United States if they arrive there first, despite the United States having a more restrictive determination process. (See also Chapter 3.)

At the global policy level, Canada played an important role in negotiations toward the 2018 UN Global Compact on Refugees, which seeks to better define how countries cooperate to share refugee responsibilities (though it is not legally binding). And the World Refugee Council, struck to support the Global Compact process, was chaired by former Canadian foreign minister Lloyd Axworthy and run through the University of Waterloo’s Centre on International Governance Innovation (CIGI).

Some argue that, given Canada’s relative prosperity, Canada should be resettling more refugees and making it easier for immigrants to move here and better utilize their professional skills in Canada through more straightforward recognition and transfer of their professional credentials. Some see immigration (including refugee resettlement) as key to countering a low Canadian birth rate and re-energizing economically stagnant regions. Indeed, immigrant recruitment and settlement is relatively decentralized to the provinces, given the provinces’ role in managing their own workforces and delivering associated education and training.

International Assistance

An important channel for Canadian global influence and engagement is through development, or **international assistance**, to low- and middle-income countries. Development assistance (previously termed “foreign aid”) had its origins in the Cold War, particularly as a tool to try to staunch the spread of communism among the newly decolonized countries. Under Prime Minister Pearson, Canadian policy shifted toward “humane internationalism”—that is, helping those in the poorest countries. However, many of the poorest countries have dismal human rights records and often have the weakest ability to make progress in reducing poverty.

Generally, medium- to longer-term international assistance seeks to boost the living conditions of people in other countries and strengthen the capacity of governments to provide for their populations—and, ideally, the capacity of civil society to hold these

International Assistance

Assistance to poorer countries to improve living conditions and the capacity of governments to provide for their populations.

governments to account. This aid takes many forms. It is provided as direct support to governments (bilateral assistance) with which it has a development cooperation relationship. It is delivered through Canadian and other NGOs that undertake development initiatives. Canada also provides assistance multilaterally through international organizations such as the United Nations, namely the development agencies including UNICEF (the children's agency), the UNHCR, the World Food Programme (WFP), and international financial institutions such as the World Bank or regional development banks.

Providing aid through multilateral channels, through which Canadian resources are pooled with those of other donors, can be seen as a more effective and efficient way of ensuring that aid reaches those most in need. However, there is less visibility and thus less political reward for contributing in this way. Oversight is needed to make sure these multilateral entities are good stewards of donor dollars.

By contrast, bilateral aid can be targeted toward broader geopolitical global interests, for example, to support a relatively stable government in a conflict-affected region (e.g., Ethiopia in the tumultuous Horn of Africa) or where there is a large diaspora in Canada. Direct funding to governments (direct budget support) can be seen as a way to strengthen those governments' capacity to manage and grow their economies and to prioritize what they see as the best ways to improve living conditions in their countries. However, this requires high degrees of trust. Moreover, in some situations the Canadian government has been accused of providing international assistance to dictatorial regimes or governments known to condone or carry out human rights abuses.

Humanitarian Assistance

Short-term aid provided to respond to crisis situations in foreign countries.

Humanitarian assistance is short-term aid provided to respond to crisis situations, from natural disasters such as flooding and earthquakes to conflict situations where people may be displaced. Increasingly, when major disasters strike, the Canadian government has pledged to match the contributions of individual Canadians, up to certain limits, in order to incentivize public giving. At times, the government has also deployed its military assets to support civilian humanitarian responses.

Canada supported the Millennium Development Goals (MDGs) adopted by the United Nations in 2000, which were meant to be reached by 2015. These goals included achieving universal primary education; reducing child mortality; combating HIV/AIDS, malaria, and other diseases; ensuring environmental sustainability; and developing a global partnership for development. The MDGs had considerable success in cutting the rate of poverty in half and providing basic education for nearly all children. However, they were less successful in achieving health goals and improving the quality of life across much of Africa (Bates-Earner, Carin, Lee, & Lim, 2012). In 2015 the United Nations adopted 17 Sustainable Development Goals (including ending poverty and hunger, achieving gender equality, and stopping climate change) to be reached by 2030, which are to apply to all countries—not just developing nations (United Nations Department of Economic and Social Affairs, 2014).

The Canadian International Development Agency (CIDA), a government agency, was established in 1968 but lost its separate identity in 2013, when it was merged into the Department of Foreign Affairs, Trade, and Development (DFATD), now known as Global Affairs Canada (GAC). Critics have been concerned that GAC has become more concerned with trade issues than with development. In recent years, the Canadian government has indicated that it will increasingly use Canadian corporations in implementing projects (such as collaborating with Canadian mining companies). However, Canada's focus on a feminist international assistance policy under Trudeau (discussed below) has generally been well received by the development community in Canada and abroad, with calls on government to prioritize funding to grassroots women's organizations.

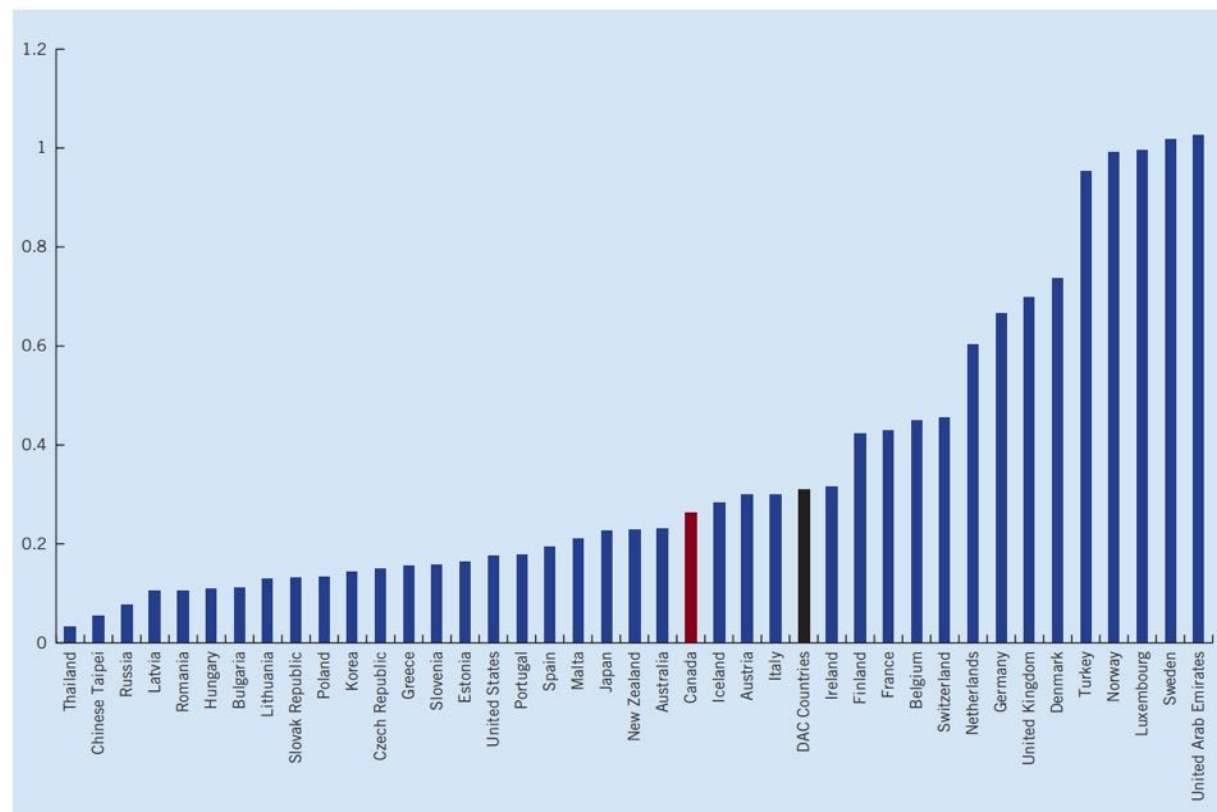
The way Canada delivers international assistance continues to evolve in other ways: in 2015, the government announced a new Development Finance Institute

"to support effective international development by providing financing, technical assistance, and business advisory services to firms operating in developing countries." (Government of Canada, 2015). FinDev Canada, as it is now known, became operational in January 2018 as a subsidiary of the Crown corporation Export Development Canada and is based in Montreal. In Europe, where development financing constitutes a sizable proportion of development aid, the countries receiving aid are generally not involved in investment decisions, and only a small proportion of companies in poor countries are supported. It remains to be seen whether FinDev's efforts will be spared these critiques.

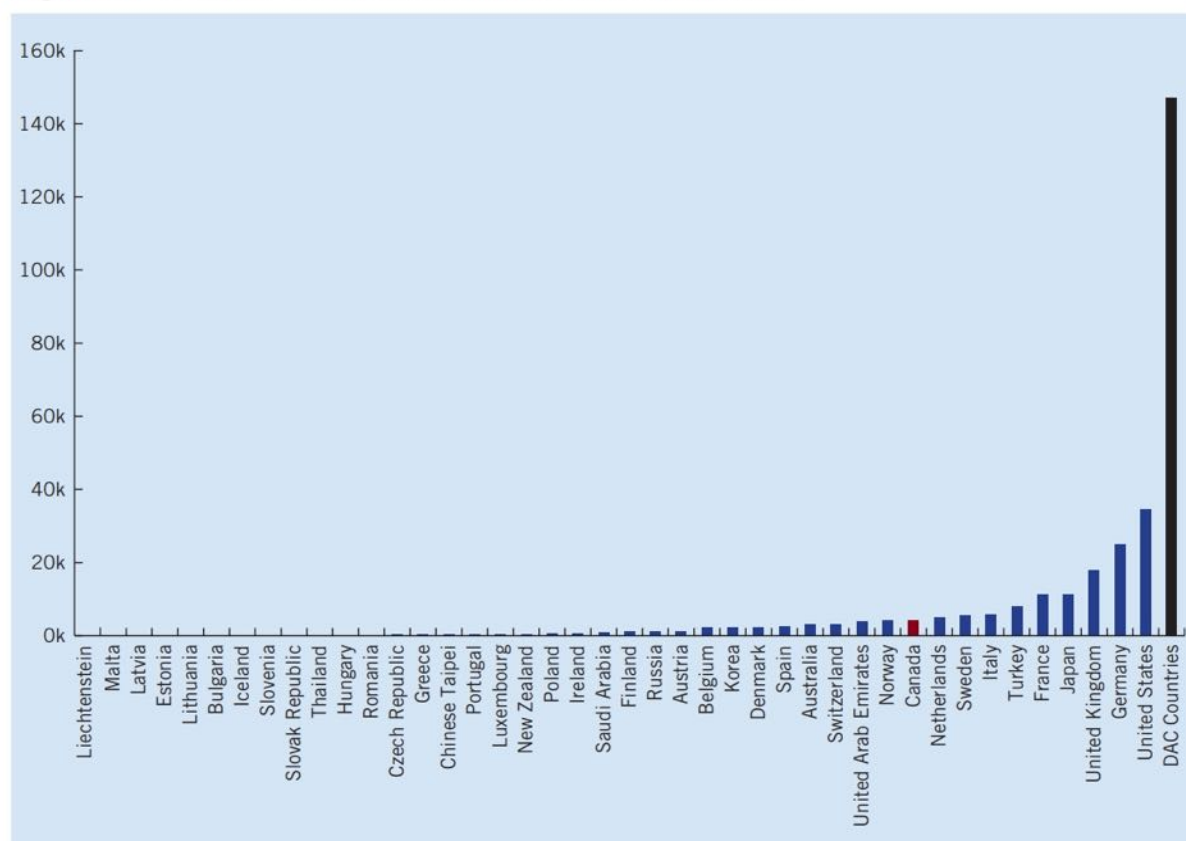
The Canadian government is also piloting another newer form of delivering international assistance, particularly in humanitarian crises: cash grants given directly to individuals in developing countries. Proponents of the idea, which mirrors the relative success of private micro-loans to individuals, contend that this form of giving cuts out the costly middle brokers and overhead costs and allows poor people—especially women—to decide for themselves what to invest in to lift themselves out of poverty. This can also stimulate local economies through increased local purchasing (Arsenault, 2018).

While Canadians generally consider themselves as generous when it comes to responding to calls for assistance for people in need, the Canadian government has been criticized for its low levels of ODA in comparison to that provided by other rich nations. In 1970, donor countries agreed to aim to provide 0.7 percent of their national income as an annual aid target. Though it was the Canadian Pearson Commission that proposed this target, Canada has never reached it: in 1975, Canadian ODA peaked at 0.541 percent of national income, and in 2017, it had fallen to 0.264 percent, below the OECD's Development Assistance Committee average of 0.31 percent (OECD, 2018a, 2018b). As Figures 17-1 and 17-2 indicate, Canada's ODA is below the average of the donor countries.

Figure 17-1 Official Development Assistance (ODA) as Percent of Gross National Income (GNI), 2017



SOURCE: OECD (2019), Net ODA (indicator). doi: 10.1787/33346549-en (Accessed on 25 September 2019)

Figure 17-2 Official Development Assistance in USD Million, 2017

SOURCE: OECD (2019), Net ODA (indicator). doi: 10.1787/33346549-en (Accessed on 25 September 2019)

Feminism in Global Affairs

Feminist Foreign Policy

An approach that seeks to increase opportunities for women domestically and on the international stage; to promote girls' and women's rights; and to review and assess foreign policy approaches from a feminist and gender equality lens.

One notable change from the Harper to the Trudeau governments has been an emphasis on feminism throughout Canada's global affairs. Taking cues from the Swedish government's **feminist foreign policy** approach, championed by Foreign Minister Margot Wahlstrom and adopted there in 2014, Trudeau has signalled a feminist vision for Canada's foreign policy, with a series of policy approaches announced in 2017. In 2018, the government made advancing gender equality and women's empowerment a central theme of Canada's hosting of the G7, pledging to integrate the issue into all ministerial meetings (Ho, 2018).

As part of this new "feminist" approach, the Canadian government announced in June 2017 that it would pursue a feminist international assistance policy. This policy focuses on gender equality and the empowerment of women and girls across all of Canada's international assistance, which thematically focuses on human dignity, growth that works for everyone, environment and climate action, inclusive governance, and peace and security (Global Affairs Canada, 2017a). While representing a shift in rhetoric from Harper to Trudeau toward fully embracing the feminist agenda, Canada's international assistance has a long history of focusing on gender equality and ensuring that all programming has a gender lens, following the establishment of "Women in Development" guidelines in 1976 and a related policy in 1984 (Status of Women Canada, 1995). Several Canadian NGOs have called on the government to ensure that beyond a vision, the new policy is matched with greater funding for grassroots women's organizations, enhanced partnerships with civil society organizations, and a more rights-based approach.



Albert González Farrán/UN Photo

Under Trudeau, Canada has pledged support for efforts to increase women's participation in UN Peacekeeping.

SOURCE: Global Affairs Canada. Retrieved from https://international.gc.ca/world-monde/assets/images/issues_development-enjeux_developpement/gender_equality-egalite_sexes/elsie-banner.jpg

The Liberal government likewise elaborated its “Strong, Secure, Engaged” defence foreign policy in June 2017. In its section on peace operations, it specifically notes that Canada’s “feminist approach to international policy” would include a focus on ending sexual violence in conflict and the use of child soldiers; the advancement of UN Security Council Resolution 1325 on Women, Peace, and Security; and ensuring that UN peacekeepers are held accountable to the “highest standards of conduct,” in reference to allegations of sexual misconduct (Department of National Defence, 2017). Building on this, Canada announced the \$15 million Elsie Initiative, an effort to overcome the barriers to women’s participation in peace operations, at an international meeting of ministers on peacekeeping in Vancouver in 2017. UN Security Council Resolution 2242 (2015) seeks to double the global rate (as of 2015) of women’s participation as troops and police in UN peacekeeping from the abysmally low 3.7 percent and 9.5 percent rates, respectively, by 2020. In line with this goal, the Elsie Initiative includes funds to support the deployment of women peacekeepers from a range of troop- and police-contributing countries (Global Affairs Canada, 2017b).

National and Global Security

17.3a Explain and evaluate Canada’s security interests and the various tools to achieve these goals.

17.3b Assess Canadian military spending and engagement.

As touched on in the section “Canada’s Global Affairs in Context,” in the modern era Canada promotes its national and global security goals primarily in conjunction with others: its neighbour the United States, its regional allies in NATO, and the United Nations, especially through support to UN peacekeeping.

Canada’s Security Priorities

Elaborated in its 2017 “Strong, Secured, Engaged” defence policy, the Canadian government’s stated security priorities include being strong at home, both in terms of territorial self-defence and emergency management and response; secure in North America,

defending continental airspace and the seas through the NORAD partnership (described below) and directly with the US; and engaged on the global landscape, including through peace operations, for a more stable and peaceful world (National Defence and the Canadian Armed Forces, 2018a). Implicit in these goals is a desire to create a more secure world to diminish risks of terrorism and insecurity both globally and in Canada's domestic territory. The Department of National Defence is the lead federal government department on security issues, supported by GAC for international coordination, the RCMP for domestic policing, and its various security entities such as Canadian Border Services Agency, the Canadian Security Intelligence Service, and other partners.

Beginning under Prime Minister Harper, and continuing with Prime Minister Justin Trudeau, the Canadian government has renewed a focus on "Arctic Sovereignty," or defending Canada's northern territory, including the Northwest Passage, which will become increasingly navigable by other countries as climate change causes the polar regions to melt. Since the 9/11 attacks on the United States in 2001, the federal government has controversially expanded its authority to conduct domestic surveillance of potential terrorist risks through Bill C-51, the new Anti-Terrorism Act introduced by the Harper government. This is supported by classified security intelligence exchanged with its "Five Eyes" partners (Australia, New Zealand, the United Kingdom, and the United States). Screening of visitors to Canada, as well as potential newcomers, has likewise been stepped up.

Peacekeeping and Peace Operations

In the 1950s, under the leadership of Prime Minister Lester B. Pearson, the Canadian government played a leading part in the development of a substantial peacekeeping role for the United Nations. Canada has since participated in many of the UN-authorized peacekeeping missions. The nature of peacekeeping has changed over the years, however. In what Stephen Holloway (Holloway, 2006) describes as classic peacekeeping, the goal is generally to support a ceasefire between countries in conflict or to supervise the implementation of a peace agreement. This might involve positioning observers to monitor the actions of the conflicting countries or placing peacekeepers in a neutral zone between the combatants to uphold a ceasefire agreement. If the "blue helmeted" UN forces are armed, they are expected to use their weapons only in self-defence. Finally, classic peacekeeping is carried out with the agreement of the countries involved, respects the sovereignty of those states, and is under the control of the United Nations (Holloway, 2006).

Although classic peacekeeping is still important, most of the use of international forces under the banner of the United Nations in recent decades has involved conflicts within a state rather than between states (Pelz & Lehmann, 2007). In failing or failed states (such as Somalia or South Sudan), where the governing authorities are unable to exercise effective control, outside intervention is often needed to ensure that humanitarian relief is delivered, human rights are protected, law and order are established, and help is provided to set up effective governing institutions and to monitor elections. This may occur even while armed conflict is ongoing. To recognize the spectrum of activities that aim to build and enforce peace, the term "peace operations" is often used instead of "peacekeeping." However, these terms can be misleading when operations by foreign troops (often not directly under the UN banner) primarily involve combat.

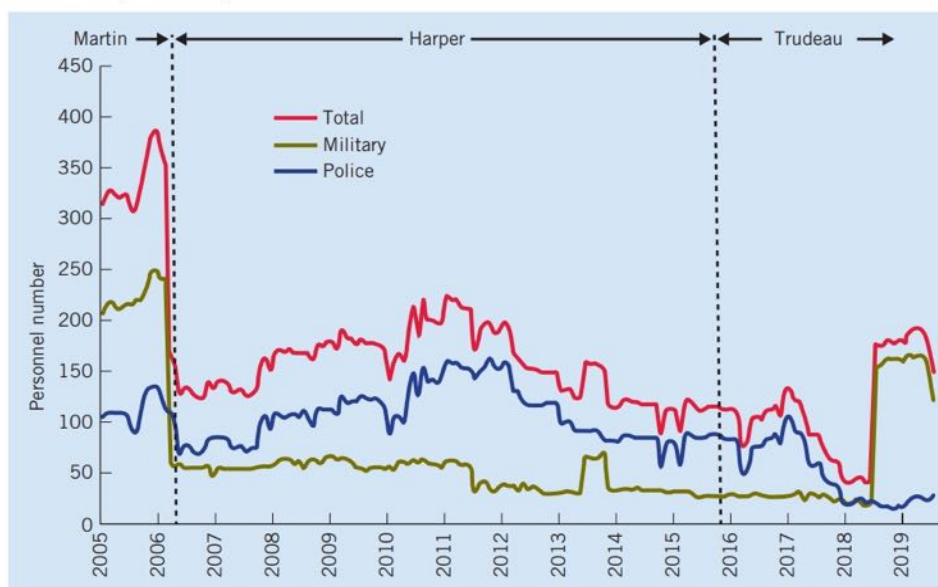
UN peace operations usually involve not only troops under UN command but also police and civilians working for the UN mission. In insecure environments, UN Police can help establish and maintain security and protect civilians from violence (Sebastian, 2015). Often, non-governmental organizations work with or alongside a peacekeeping operation to deliver humanitarian assistance to populations affected by war or insecurity. Furthermore, regional organizations other than the United

Nations, such as NATO and the African Union, have increasingly carried out these operations. The Charter of the UN, agreed to after the horrors of World War II, is generally understood to prohibit the use of armed force except for self-defence or where collective action is authorized by the UN Security Council to “maintain or enforce international peace and security.” Therefore, regional operations’ legitimacy are generally enhanced when they are approved by the Security Council, such as the African Union Mission in Somalia (AMISOM). Failure to obtain Security Council authorization, such as NATO’s intervention in Kosovo in 1999, can cause other states to protest (in Kosovo’s case, China and Russia). This may or may not undermine the effectiveness of the mission.

Canada has participated in about 50 UN peacekeeping missions since 1948, with Canadians suffering 122 fatalities (United Nations Peacekeeping, 2018b). However, Canada’s contribution to UN peacekeeping operations has shrunk drastically since 1995, as Canada has turned down requests to take an active role in some major UN peacekeeping operations, such as the massive mission in the Democratic Republic of Congo. After supporting a relatively small Canadian civilian police presence to support the UN mission in Haiti, Canada sent a one-year deployment of up to 250 troops and helicopters to support MINUSMA, the UN mission in Mali, in 2018. As of March 31, 2019, Canada had 192 personnel deployed in UN missions (United Nations Peacekeeping, 2019). (See Figure 17-3 for Canadian contributions over time, by government since 2005.) This was far below its 2016 pledge to contribute up to 750 new personnel, in addition to the 112 deployed at the time of the government’s announcement (Keddie, 2018).

While UN peacekeeping has had notable successes—helping to restore peace in Sierra Leone and Timor Leste and, more recently, averting genocide in the Central African Republic—peacekeeping has been criticized for not having the technical, military, or personnel capacity to effectively engage in certain contexts, and the mandates have not always been “fit for purpose.” This was tragically witnessed in Rwanda, where UN peacekeeping failed to act on warnings and to intervene to stop the genocidal massacre of Hutus and moderate Tutsis, despite pleas from the Canadian UN Force Commander, LGen (ret) Roméo Dallaire, for powers to intervene. Moreover, UN peacekeepers—military and civilian personnel—have long been embroiled in allegations of sexual exploitation and abuse of the populations they are meant to serve

Figure 17-3 Canadian Contributions of Uniformed Personnel to UN Peacekeeping, 2005–2018 (October)



SOURCE: Dorn, W. (2018). Retrieved from <http://walterdorn.net/256.#uniformed-personnel>

and protect, with the Code Blue Campaign pointing out the glaring impunity gaps that persist despite cosmetic reform efforts (Code Blue Campaign, 2018).⁵ UN peacekeepers have also been accused of wrongdoing, including corruption, violence, and extra-judicial killings, which in many situations has led to strained relations with host-country populations and has subjected UN forces to retaliatory attacks. In 2018, the UN launched “Action for Peacekeeping,” a plan to renew political commitment to peacekeeping operations (United Nations Peacekeeping, 2018a).

Regional Alliances

Canada’s territorial self-defence is often viewed from a regional perspective. In 1957, the desire for the coordinated air defence of North America led to the establishment of the NORAD, based in Colorado, with an American commander who reports to the president of the United States and a Canadian deputy commander who reports to the Canadian prime minister. As part of Canada’s participation in NORAD and NATO, the Canadian government in the 1950s committed to using fighter aircraft, bombers, and anti-aircraft missiles designed to carry nuclear warheads. However, when Progressive Conservative Prime Minister John Diefenbaker postponed the acceptance of nuclear weapons, he was criticized by the American government. After the defence minister and two other ministers resigned from the cabinet over the issue, the minority government was defeated on a motion of nonconfidence in 1963. The Liberals, headed by Lester B. Pearson, won the subsequent election. Despite his earlier opposition to acquiring tactical nuclear weapons, Pearson proceeded to allow nuclear warheads to be located in Canada and supplied to Canadian forces in Germany.

NORAD was renamed the North American Aerospace Defense Command in 1981 to reflect its role in securing the North American airspace through an integrated system including satellites, ground and airborne radar, and fighter aircraft. In 1985, some of the Distant Early Warning (DEW) Line stations, located mainly in the Arctic, were converted into the North Warning System, which provides aerospace surveillance of the polar region, with the ability to detect supersonic bombers and long-range cruise missiles. Because of concern about terrorism (as well as concern about the flow of illegal drugs into the United States), the role of NORAD has grown to include a maritime warning system.

As touched on in the section “Canada as a Multilateral Actor,” Canada invests in its broader global security goals through military alliances that are not strictly regional but rather connect like-minded states. NATO, founded in 1949 during the Cold War and headquartered in Brussels, is designed to mutually protect states in the “North Atlantic” that generally share liberal values including “democracy, individual liberty and the rule of law” (Government of Canada, 2018a). NATO is also a vehicle for attempting to manage broader threats to global security. This is witnessed by its increasing undertaking of peace operations in areas of instability beyond its borders, such as the NATO-led International Security Assistance Force (ISAF) in Afghanistan, which operated from 2001 to 2014 with significant Canadian involvement and leadership. (Canada’s combat role ended in 2011, discussed in the next section.)

Combat Missions

Canada is often thought to be a peace-loving country, although it has participated in wars and other military missions. (See Table 17-1.) From the end of the Korean War in 1953 to the end of the Cold War in 1981, Canada did not directly engage in active combat. Since then, Canada has taken an active role in several conflicts.

In 1991 Canada, along with 33 other countries, participated in the United States-led Gulf War against Iraq. This combat mission was authorized by the UN Security

⁵ Disclosure: the chapter’s author, Kaila Mintz, works for the Code Blue Campaign.

Table 17-1 Canadian Combat Missions

Mission	Date	Number Involved	Deaths
Nile Expedition (Sudan)	1884	386	16
South Africa (Boer War)	1899–1902	8300	242
World War I	1914–1918	Over 600 000	60 661
Siberian Expedition	1918–1919	4197	19
World War II	1930–1945	About 1.1 million	42 042
Korean War	1950–1953	About 26 000	516
Gulf War (Iraq)	1990–1991	Over 4000	0
Yugoslavia	1999	300	0
Afghanistan	2002–2011	2500	158
Libya	2011	630	0
Islamic State	2014–2016	About 600	1

NOTES: Figures for World War II refer to troops sent overseas. Deaths include disease and accidents as well as those that are combat related, but they do not include deaths that occurred after the end of the war related to injuries suffered during the war. Different sources provide different figures for the number involved and number of deaths. Two aid workers, one diplomat, and a journalist were also killed in Afghanistan. The only casualty in the war against ISIS was by friendly fire.

SOURCES: Isitt. (2006); Morton. (2007); Veterans Affairs Canada. (n.d.); Government of Canada. (2014), Brewster. (2015).

Council after Iraq invaded and annexed Kuwait. Canada's participation in this short war included the use of fighter aircraft to protect American bombing missions, naval vessels to enforce a blockade of Iraq, and a mobile military hospital to treat the wounded. Canada refused to take part in the American-led invasion of Iraq in 2003, which lacked specific UN authorization. From 2001 to 2011, Canada participated in ground combat missions in Afghanistan. (See Box 17-4: Canada's Longest Combat Mission: Afghanistan.) While Canada's combat mission to defeat the Islamic State (also known as ISIS and Daesh) in Iraq and Syria ended in 2016, Operation IMPACT

Box 17-4 Canada's Longest Combat Mission: Afghanistan

On September 11, 2001, the extremist al-Qaeda group, led by Osama bin Laden, carried out a major terrorist attack on the United States. In response, the members of NATO and some other countries sent troops to Afghanistan to try to capture bin Laden and defeat the fundamentalist Taliban government that had given al-Qaeda a base in that country. However, the Taliban have continued to control many areas of Afghanistan and fought the foreign troops and the Afghan government.

Canada deployed its troops to fight alongside the American forces in Kandahar (southern Afghanistan) in 2002. In 2003, Canada took leadership of the International Security Force, a NATO force authorized by the UN Security Council to provide security to Afghanistan's capital, Kabul, and to support the establishment of a transitional governing authority and provide security for humanitarian relief. In 2005, Canada sent a provincial reconstruction team combining military and civil personnel to Kandahar to develop good governance, build relationships with local and provincial leaders, and undertake reconstruction projects, including repairing a dam and building schools. As the Taliban insurgency grew, Canadian forces in the region undertook a combat mission that included killing Taliban insurgents. This two-year mission was extended to 2009, confirmed by a close vote (149–145) in the House of Commons. After a

further extension, Canadian troops returned home in 2011, although military and police trainers remained in Afghanistan until 2014. Overall, Canada played a larger role in Afghanistan than most other NATO countries.

Canadian governments justified participation in this lengthy mission in terms of promoting such values as democracy and the rights of women and girls, which the Taliban sought to eliminate. However, Afghan governments, often plagued with incompetence and corruption, have had difficulty in exercising effective control of many areas of the country where tribal loyalties and regional "warlords" are strong. As well, a small Islamic State group formed in 2015 conducted a number of suicide bombings and other attacks in Afghanistan in 2018.

The Taliban continues to be a significant force in Afghanistan, controlling about one-half of the country's area. On December 30, 2018, the Taliban indicated that they would be willing to discuss the future of the country with the United States, which still has armed forces in Afghanistan, but not with the Afghan government. However, if the Taliban obtain an important role in governing Afghanistan, this would likely challenge the values that Canada promoted in that troubled country.

Was the Canadian mission in Afghanistan that resulted in the death of 158 Canadian Forces personnel and more than \$18 billion spent a necessary or wasted effort?

continues to provide support to the Iraqi security forces. In July 2018, Prime Minister Trudeau announced that Canada would command NATO's training and capacity-building mission in Iraq from fall 2018 for a one-year period (National Defence and the Canadian Armed Forces, 2018b).

Critical Perspectives on Canada's Military Engagement

One controversial issue in Canada's foreign policy is its military spending. In recent years, critics have complained that Canada is not spending enough to maintain, modernize, and expand its military assets, such as helicopters. For example, many analysts would like Canada to increase its capacity to patrol the Canadian Arctic in the face of increasing interest from Russia, China, and the United States in using the Northwest Passage, posing environmental and sovereignty concerns for Canada. In 2017, after pressure from NATO and the US to increase defence spending, the Liberal government announced a spending increase of up to 70 percent by 2026–2027; much of the spending in 2018 was focused on cyber security and cyber defence (Hansen, 2018), which involves efforts to protect critical computers, networks and related infrastructure from anticipated attacks. Amounting to about 1.4 percent of anticipated GDP by 2024–2025, this remains less than the NATO recommendation that members spend 2 percent of their GDP on their military.

Yet, some critics denounce the high levels of military spending, particularly in relation to other domestic and foreign policy priorities. With program spending forecast at \$25.5 billion for the Department of National Defence, that is more than the next two departments' spending combined, Indigenous Services Canada and Revenue Canada (Hansen, 2018). Canada spends nearly \$4 on defence for every \$1 for development, and critics note that the Foreign minister's 2017 foreign policy speech barely referenced development, while it focused significantly on increased military investment (Canadian Council for International Cooperation, 2017). As discussed in Box 17-5: Canadian Military Engagement: Harper Versus Trudeau, Liberal Prime Minister Trudeau has proposed to increase military spending to a higher level than Conservative Prime Minister Harper.

As outlined in the previous module, the Trudeau government has promoted a more feminist defence policy, which includes such goals as addressing the underrepresentation of women in the Canadian armed forces and better incorporating gender-based analysis of its policies, plans, and activities—in other words, analytically assessing their effect on diverse groups of women, men and non-binary people

Box 17-5 Canadian Military Engagement: Harper Versus Trudeau

Both prime ministers made fighting global Islamic terrorism a priority for Canada's armed forces, participating alongside NATO and other allies through military options, training, and capacity-building support to governments throughout the Middle East and North Africa. Prime Minister Trudeau was elected on a platform that included moving Canada away from a combat focus. However, his government's "Strong, Secure, Engaged" defence policy, issued in June 2017, proposes increasing military spending to a level higher than that under his predecessor, Harper, with a plan to increase the number of regular forces to 70 500 (slightly higher than under Harper). While under Harper's tenure there was reduced participation

in UN peacekeeping (from 352 Canadians at the start of his tenure to 112 by the end), Trudeau pledged to return to peacekeeping, with a 2016 commitment of 600 troops and 150 police officers. Although it took longer than expected to shape up, eventually Canadian support was given to the UN's peacekeeping mission in Mali for a one-year period beginning in 2018. Yet, as of March 2019, Canada's total contribution to the UN was only 192 uniformed personnel, including 144 to the mission in Mali (United Nations Peacekeeping, 2019). In addition, Trudeau proposed purchasing 88 new advanced fighter jets, up from the 66 that Harper had proposed to replace Canada's aging CF-18 fleet.

(Status of Women Canada, 2018). One means for Canada to achieve a feminist defence approach at the global level is by promoting the Women, Peace, and Security (WPS) Agenda, which stems from the seminal 2000 UN Security Council Resolution 1325. The WPS approach recognizes that armed conflict uniquely and disproportionately affects women and girls. It holds that women's participation in conflict resolution and peace and security efforts is both an intrinsic value and a right and can contribute to a more effective and sustainable peace. The agenda was elaborated through a 2000 UN Security Council Resolution and a series of subsequent resolutions (Government of Canada, 2018b). Canada has developed a highly respected second national action plan for its WPS agenda (2017–2022), with annual progress reports and a collaborative working group with civil society to monitor progress. The Department of National Defence developed a set of indicators and contributes a chapter to the annual report, marking a new way for Canadians—especially civil society—to hold it to account.

Canadians in the World

17.4 Discuss how Canadians influence global affairs and Canada's image abroad, and explain the Canadian government's role in this regard.

An important way that Canada exercises its soft power is through the vast numbers of Canadians who work internationally, live abroad, and participate in global affairs.

The Influence of Canadians and Canadian Businesses

Canadians are prominent in the arts, from directing and starring in Hollywood films to dominating the rap scene. (See Box 17-6: Famous Canadians in Popular Culture.) Canadian food and wine, from Niagara's famous icewine to poutine and Montreal bagels, help distinguish Canada from its American neighbours. Cultural diplomacy is part of a Canadian foreign policy strategy to communicate with and influence foreign publics (Tuch, quoted in Potter, 2007). In 2017, the Canadian Senate launched a study on how culture and the arts are used by and affect Canada's foreign policy and diplomacy. This was launched in part to see whether and how a more formal role by the Canadian government, in Ottawa and around the world, would support Canadian artists and their ability to spread a positive image of Canada globally.

Beyond the arts, Canadian businesses are also supported by GAC through its trade commissioner service, recognizing not only the economic benefits that these companies bring to the Canadian economy but also the role they play in transmitting Canadian values and identities abroad. Of course, this is not without controversy—some Canadian mining companies have been mired in environmental and human rights scandals and other firms have been charged with financial crimes such as corruption and money laundering. Canada has been criticized for having voluntary, rather than mandatory and enforceable, corporate social responsibility standards for its companies operating globally. In an effort to appear more proactive, the Canadian government launched the “Responsible Business Conduct Abroad” strategy in January 2018, supported by a Canadian Ombudsperson for Responsible Enterprises (CORE), with powers to conduct investigations of human rights allegations (Global Affairs Canada, 2018b). It is likely that the public at large will be able to make complaints directly to the Ombudsperson, who will have powers to recommend sanctions on companies it investigates and finds involved in wrongdoing, as well as other public recommendations such as compensation or apologies (Global Affairs Canada, 2018, January 17).

Box 17-6 Famous Canadians in Popular Culture



George Pimentel/WireImage/Getty Images

Drake, multi-award winning hip-hop artist, actor, and global ambassador for the NBA's Toronto Raptors, at the Juno Awards in 2015.

SOURCE: National Post. Retrieved from https://nationalpost.com.files.wordpress.com/2015/03/drake-junos-08_24563153.jpg?quality=80&strip=all&w=780 (<https://nationalpost.com/entertainment/celebrity/drake-gets-his-own-heritage-minute-with-most-canadian-mashup-of-all-time>)

These famous Canadians figure prominently in the globally influential American cultural landscape, often being the first exposure Americans and the rest of the world have to Canada: Shania Twain and Drake, Rachel McAdams and The Weeknd, Arcade Fire and Ellen Page, Seth Rogen and Alessia Cara, and Samantha Bee and Justin Bieber. While we celebrate their achievements and the profile they bring to Canada, there is another side of their fame to consider: what does it say about the Canadian landscape that so many Canadian artists—musicians, movie stars, stand-up comedians, and political satirists—feel they must work and live in the United States in order to reach a global prominence and audience, such as YouTube star Lilly Singh, who moved to LA to further her career in 2015? And is that changing now that a mega pop-star like Shawn Mendes can be discovered on Vine by posting videos of cover songs from his home in Pickering, Ontario?

Assisting Canadians Abroad

Canadian Consular Services

Support and help provided by Canadian government officials to Canadians in distress abroad. For more information, see <https://travel.gc.ca/assistance/emergency-info/consular>.

Part of the government's role is to provide **Canadian consular services** to assist Canadians abroad who find themselves in trouble, from inconveniences such as lost passports to more serious incidents such as being detained and accused of criminal acts. In these situations, while Canadian officials may play a role in providing assistance, for example, by urging local officials to conduct timely and transparent investigations, ultimately Canadians abroad fall under local laws and regulations of the countries they find themselves in (Government of Canada, 2016). There are no guarantees that the Canadian government will be able to (or will choose to attempt to) intervene in these scenarios.

Individually, Canadians play an active role in shaping and influencing politics in other countries. For example, many Somali-Canadians are prominent politicians in Somalia, while others have joined militia groups fighting state authority. Canadians are disproportionately represented in international institutions such as the United Nations, and GAC plays an active role in lobbying for Canadians to occupy senior roles at the UN, in international criminal tribunals, and other institutions that Canada seeks to influence or use to heighten its own influence. (For more on Canadian youth in global affairs, see Box 17-7: The Role of Canadian Youth.)

Diaspora Populations

Peoples who originally came from a foreign country.

People from around the world make their home in Canada, too. These **diaspora populations** have an increasing voice influencing the federal government on foreign policy priorities, such as calling out human rights abuses by China in Tibet or supporting

Box 17-7 The Role of Canadian Youth



Stephen Lovekin/WWD/Shutterstock

Lilly Singh, a YouTube star of Punjabi Sikh heritage from Scarborough, Ontario, moved to the United States to pursue her career.

SOURCE: CBC News. (2018, November 13). Lilly Singh announces she's taking a break from YouTube. Retrieved from <https://www.cbc.ca/news/entertainment/lilly-singh-break-youtube-1.490345>

Canadian youth are among those influencing Canada's global affairs policy and how Canadians are viewed in the world. When Canadians study or travel abroad, volunteer with international non-governmental organizations, take on internships with the UN, or work abroad, they act as informal ambassadors for Canada, helping spread Canadian culture and values. Government-funded internships and work placements help younger Canadians break into global marketplaces. On the flip side, Canadian youth are also at risk of becoming radicalized to violence and swept up in global terrorist movements and foreign wars, sometimes due to feelings of marginalization or isolation in their communities in Canada. Others mobilize domestically on global causes they care about, from environmental issues such as climate accords to refugee rights and protection, even helping to resettle refugees in Canada.

the decision to support Ukraine in its resistance against Russian territorial incursions. However, the relative influence of these diasporas tends to correlate to how much the ruling party sees them as critical to obtaining and maintaining power domestically.

The Negative Sides of Canada and Canadians in the World

This chapter has highlighted a few examples where Canadians are not necessarily a force for good in the world—whether formally participating in the Canadian government's foreign, development, trade, or military policy objectives, or acting as independent actors. On the official side, Canadian peacekeepers have been accused of crimes abroad. In a UN mission in collapsing Somalia, a Somali boy was beaten to death by members of the now-disbanded Airborne Regiment in 1993, casting the Canadian military in an unsavoury light. Years later, Canadian police serving with the UN peacekeeping mission in Haiti were accused of sexually exploiting local women. It's not just the military or individual peacekeepers accused of wrongdoing: Canada's participation in the NATO-driven ISAF coalition intervention in Afghanistan was not without controversy, and it remains doubtful whether the intervention has made the country more secure. Both the Harper and Trudeau governments have supported Canadian corporations' export of arms to Saudi Arabia (including many billions of dollars' worth of heavy assault combat vehicles), despite documented human rights abuses, that country's treatment of women as second-class citizens, and its role in the devastating war in Yemen (Brewster, 2018).

Individual Canadians acting outside the remit of government and the military also participate in shady dealings and activities abroad. Many Canadian mining companies

have been accused of human rights violations—such as sexual violence by their personnel, environmental degradation, and other abuses. The Quebec-based engineering firm SNC-Lavalin was charged by the RCMP for fraud and corruption abroad and has been blacklisted from participation in projects by the World Bank. Canadians of different ethnic and religious backgrounds have participated in international acts of terrorism or joined terrorist movements in Canada and abroad, including the bombing of the Air India jet flying from Canada to India that killed all 329 passengers in 1985 and participation in terrorist activities and foreign wars across the Middle East and North Africa. Stronger Canadian domestic legislation, often resulting from participation in international conventions and protocols, can sometimes act as a force to rein in some of excesses of the challenges cited above.

Summary and Conclusion

Canada's foreign policy has, to some extent, reflected the liberal internationalist perspective. Canada built its international reputation through its role in peacekeeping, its tradition of "quiet diplomacy," its effectiveness as a "helpful fixer," and its commitment to international organizations. Canada has demonstrated leadership on such global problems as human rights, poverty, disease, conflict, and environmental sustainability. However, Canada is no longer a major player in United Nations peacekeeping operations and is less generous with development assistance than many other comparable countries. As well, Canadian diplomacy—which once was highly respected—suffered from increased government direction under the Harper government and more generally, a focus on the Canadian economy and the interests of Canadian businesses. Canada's internationalist reputation has also been weakened by its failure to live up to its commitments on global climate change, and it remains to be seen whether the Trudeau government can reverse this perception through new action such as a carbon tax plan.

Canada's global affairs are strongly affected by its relationship to the United States. The integration of the economies of the two countries, the close relationship between the Canadian and American militaries, the influence of American media and cultural products, the generally similar perspective on many international issues, and cross-border family and personal relations make it

unlikely that the Canadian government would take a radically different course of action in world affairs from that of the American government. Nevertheless, Canadian governments avoided direct involvement with the United States in the Vietnam War, the 2003 invasion of Iraq, and the American ballistic missile defence system. Likewise, in recent years the Canadian government has tried to reduce Canadian economic dependence on the United States by negotiating trade and investment agreements with other countries. As the United States under President Trump pursues an America-first strategy with respect to trade, takes a more hardline view on immigration and domestic security, and calls into question long-standing regional and global alliances such as the G7 and NATO, Canada is increasingly looking to other partners to pursue its global goals. And other countries are increasingly looking to Canada's leadership, including on such issues as refugee resettlement and the promotion of women's and LGBTQI rights, given rising US hostility to the multilateral system.

The world has changed dramatically since the days of Lester Pearson and liberal internationalism. Yet, the world still needs countries that can help resolve conflicts, advance human rights, and promote sustainable development. Canada's ability to meet the challenges of democracy, diversity, and good government gives Canada a "soft power" that can still command respect and influence in the world.

Discussion Questions

1. Should there be a greater emphasis in Canadian politics on global affairs?
2. Should Canada increase its financial assistance to poorer countries? Should assistance be given only to countries that demonstrate progress toward democracy, human rights, women's rights, and environmental protection?
3. Should Canada increase its involvement in peacekeeping missions?
4. Should Canada participate only in military operations that are sanctioned by the United Nations?
5. Should Canada encourage more refugee claimants to come to Canada and resettle more refugees in Canada?

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Glossary

Act of Union, 1840 An act that united Upper and Lower Canada, creating the United Province of Canada.

Affirmative Action Measures that may be adopted by public or private organizations, which compensate for the effects of past discrimination in order to more fairly represent groups that have been traditionally under-represented in various sectors, including employment, education, etc.

Alternative Dispute Resolution A process in which disputing parties choose a third party (rather than a judge) to try to resolve the dispute.

Alternative Service Delivery Methods of delivering government services apart from the use of traditional departments and agencies, with the goal of making government more businesslike and responsive to the needs of the recipients of services.

Anti-Dumping Duties Duties on goods from another country that are sold at less than their fair value. These duties applied to increase the price, thereby protecting domestic industry from unfair competition.

Assimilation The process through which groups of individuals with a different culture learn and adopt the values and norms of the host society.

Asylum Seekers Individuals who say they are refugees but whose claims have not yet been evaluated by the authorities in the country where they seek asylum.

Asymmetrical Federalism A federal system in which some sub-national governments have a different relationship with the national government, including different powers, from other sub-national governments.

Attitudinal Model of Judicial Decision Making The view that judges pursue their own policy preferences in interpreting the law, as well as being influenced by their attitudes toward the facts of the case.

Authority The right to exercise power.

Ballot Structure The way the ballot is organized, requiring an X beside one candidate's name or a ranking of choices available to a voter.

Bicameral Legislature A legislature with two chambers or houses.

Block Grant The unconditional transfer of a block of money from the federal government to a provincial government.

Branch Plants Factories that a company sets up in other locations to produce and sell products in additional markets.

British North America Act, 1867 An act of the Parliament of the United Kingdom establishing the Dominion of Canada. In 1982, it was renamed the Constitution Act, 1867.

Brokerage Party A catch-all party that attempts to reconcile competing regional interests.

Budget Government statement that proposes tax increases or decreases as well as other revenue and borrowing measures, outlines the state of the economy and government finances in general, and often includes announcements of major new programs.

Bureaucracy Rule by offices and officials.

Boycott The act of buying goods and services based on political or ethical considerations or both.

Cabinet The active part of the Queen's Privy Council for Canada. Composed of the prime minister and ministers, it controls most of the executive and legislative powers of government.

Cabinet Committees Groups of cabinet ministers who examine policy proposals from related policy fields and recommend to the plenary (full) cabinet what action should be taken. Their recommendations generally are accepted.

Cabinet Secrecy A convention that forbids the disclosure of the views expressed by particular ministers during cabinet (and cabinet committee) discussions, in order to encourage frankness.

Cabinet Solidarity The basic principle that ministers must avoid public disagreements over policy once cabinet decides on it and that they must vote in unison in the House on government business.

Cadre Party Loosely structured, elite-centred party with minimal organization outside the legislature.

Canada Health Transfer A block grant intended to fund health care and hospital insurance, although some conditions are involved.

Canada Social Transfer A block grant intended to fund post-secondary education, social assistance, early childhood education, and child care programs.

Canadian Bill of Rights An act of Parliament passed in 1960 establishing various rights and freedoms that apply only to matters under federal jurisdiction.

Canadian Consular Services Support and help provided by Canadian government officials to Canadians in distress abroad. For more information, see <https://travel.gc.ca/assistance/emergency-info/consular>.

Canadian Judicial Council A body of senior judges established to review complaints about federally appointed judges.

Catch-All Party A larger mainstream party that attempts to appeal to wide audiences by adopting centrist and often inconsistent party platforms.

Caucus Parliamentary members who belong to a particular party.

Central Agencies The Prime Minister's Office and the Privy Council Office, which provide direct assistance to the prime minister and facilitate the setting of objectives by cabinet.

Central Departments The Department of Finance and the Treasury Board Secretariat, which, along with the central agencies, advise cabinet and its committees and influence the direction and policies of the government.

Charlottetown Accord An agreement in 1992 on a broad package of constitutional changes, including Indigenous self-government, Senate reform, and a statement of the characteristics of Canada. (For details on the Charlottetown Accord, see www.solon.org/Constitutions/Canada/English/Proposals/CharlottetownConsensus.html.) The agreement, which had the support of the prime minister, all premiers and territorial leaders, and four national Indigenous leaders, was defeated in a referendum.

Charlottetown Conference, 1864 A meeting of the leaders of Canada and the Maritimes at which it was decided to hold further discussions about uniting the British North American colonies.

Charter Dialogue The view that the Charter has created a dialogue between the courts and legislatures.

Charter of Rights and Freedoms As part of the Constitution Act, 1982, the Charter is superior to ordinary legislation, allows the courts to invalidate legislation, and applies to the actions of all governments and organizations under the control of government.

- Citizens Plus** The idea that First Nations people possess certain rights in addition to the normal rights and duties of citizens.
- Civic Engagement** A set of activities in the community, such as joining a voluntary organization, volunteering, or giving financial donations to charitable causes.
- Civil Disobedience** The deliberate and public breaking of a law to draw attention to injustice.
- Civil Society** The voluntary associations and non-governmental organizations that bring people together to achieve a common goal.
- Classical Democratic Theory** The belief that it is desirable to have a large number of citizens from different backgrounds participating in political affairs.
- Classical Elite Theory** The belief that only a small ruling class has the knowledge and skills necessary to decide what is in the public interest and that mass political participation is undesirable.
- Classical Federalism** The view that a federal system should be based on autonomous federal and provincial governments, each with its own specific areas of responsibility.
- Classical Liberalism** The state should remain neutral in cultural and religious matters and concentrate on protecting individual rights and freedoms and the life, liberty, and property of its citizens.
- Closed List PR System** An electoral system in which voters must accept the party's ranking of candidates on its ballot list.
- Closure** A motion in the House of Commons to limit debate on a bill.
- Code Civil Du Québec** A codified system of law that is the basis of private law in Quebec.
- Collaborative Family Law** A process in which each party hires its own lawyer, who helps the parties reach an acceptable settlement without going to court.
- Collaborative Federalism** A trend in contemporary federalism in which both levels of government try to work together as equals in deciding some major policies.
- Collective Benefits** Benefits to society as a whole.
- Collective Responsibility** The convention that the cabinet as a group is responsible to the House of Commons for the decisions and actions of the government.
- Committees of the Whole** Committees that comprise all members of the House, using relaxed rules of debate and procedure to deal with supply motions or other topics.
- Common Law** A body of law developed through the accumulation of court decisions that become binding precedents for similar future cases.
- Competitive Federalism** A feature of Canadian federalism, beginning in the early 1960s, in which provincial and national governments competed to maximize their autonomy, power, and popularity with voters.
- Comprehensive Land Claims Agreements** Agreements involving First Nations that had not signed treaties giving up their land.
- Conditional Grants** Federal grants to provincial governments for specific programs that have to meet conditions set by the Canadian government.
- Confidence Chamber** A legislative body (in Canada, the House of Commons) whose continued majority support is necessary for the government to remain in office.
- Conscription Crisis** The imposition of compulsory military service during World War I that sharply divided many English and French-Canadians.
- Conservatism** An ideological perspective that generally looks to laws, based on traditional (religious) moral values and established institutions to maintain an orderly society.
- Constitution** The fundamental rules by which a country is governed.
- Constitution Act, 1867** An act of the Parliament of the United Kingdom that established Canada as a federal union of Ontario, Quebec, Nova Scotia, and New Brunswick.
- Constitution Act, 1982** An act that patriated the Constitution, established a formula for amending the Constitution, added the Charter of Rights and Freedoms, recognized the existing rights of Indigenous people, and made a commitment to the principle of equalization payments.
- Constitutional Act, 1791** An act that divided Quebec into two separate colonies: Upper Canada and Lower Canada.
- Constitutional Amendments Act, 1996** An act of Parliament that sets out the combination of provinces and regions whose support is needed before the Canadian cabinet presents proposed constitutional changes to Parliament.
- Constitutional Conventions** Widely accepted informal constitutional rules.
- Constitutional Government** A government that consistently acts in keeping with established fundamental rules and principles.
- Convention Relating to the Status of Refugees** A 1951 treaty ratified by 145 states that defines the term "refugee," sets out refugees' rights, and outlines states' legal commitments to protect them. The UN Refugee Agency (UNHCR) is considered the "guardian" of the 1951 Convention and its associated 1967 Protocol.
- Cooperative Federalism** The feature of Canadian federalism following World War II in which federal and provincial governments generally cooperated under federal leadership in developing the welfare state.
- Council of the Federation** An organization established by the premiers to enable cooperation among the provinces and territories.
- Countervailing Duties** Tariffs levied by the government on imported goods in order to offset the subsidies provided by the government of the exporting country.
- Court Challenges Program** A federal government program that provided some money for individuals and groups seeking to challenge Canadian laws and government actions that violate equality rights and minority language rights.
- Declaratory Power** The right of the Canadian Parliament to declare any "local works or undertakings" within a province to be "for the general Advantage of Canada or for the Advantage of Two or more of the Provinces" and then legislate on that matter.
- Deliberative Democracy** A form of democracy in which governing decisions are made based on discussion by citizens.
- Deliverology** Deliverology is a hybrid operational philosophy with a focus on policy results, evidence-based policy making, measurement, efficiency, and effectiveness.
- Democracy** Rule by the people either directly or through the election of representatives.
- Departmentalized Cabinet** A form of cabinet organization that emphasizes ministerial autonomy and relies on the prime minister and full cabinet to achieve coordination.
- Deputy Minister** The administrative head of a department and the link between the minister, who is politically responsible for the department, and the non-partisan public servants in the department.
- Diaspora Populations** Peoples who originally came from a foreign country.
- Direct Democracy** A form of democracy in which citizens are directly involved in making the governing decisions.

Disallowance Power The right of the Canadian cabinet to disallow provincial legislation within one year of its passage.

Discretionary Prerogative Powers Powers that the monarch's representative may exercise upon his or her own personal discretion. Also called "personal prerogatives" or "reserve powers."

Distinct Society Clause A clause in the Meech Lake Accord that the constitution should be interpreted in a manner consistent with the recognition of Quebec as a distinct society.

District Magnitude The number of legislative seats allocated to a constituency.

Durham Report, 1839 A report by the British governor Lord Durham that recommended the union of Upper and Lower Canada and the adoption of responsible government.

Electoral District Association An association of members of a political party in a territorial area that is represented by a member in the House of Commons.

Electoral Formula The process by which votes are tallied and used to assign seats.

Electoral System The system by which the votes that people cast are translated into the representation of political parties in the legislature.

Employment Equity Programs that encourage or require the hiring and promotion of women and other persons from groups that are under-represented.

Equalization Payments Unconditional grants from the Canadian government to the governments of the poorer provinces to bring their revenue-raising capabilities up to a national standard.

Estimates The money the government says is needed by government departments and agencies for the next fiscal year.

Ethnic Groups Groups of immigrants who have left their countries of origin to enter another society but who do not occupy a separate territory in their new homeland.

Executive Departments Organizations headed by cabinet ministers.

Executive Federalism The basic nature of federal-provincial interaction since the 1940s, involving the interaction of the executives of the federal and provincial governments.

Federal Court of Canada A court that hears cases related to certain Acts of Parliament, such as laws concerning copyright and patents, citizenship and immigration, and access to information and privacy. As well, it hears appeals against the rulings of national administrative tribunals.

Federal System A system of governing in which authority is divided and shared between the central government and provincial governments, with each deriving its authority from the constitution.

Feminist Foreign Policy An approach that seeks to increase opportunities for women domestically and on the international stage; to promote girls' and women's rights; and to review and assess foreign policy approaches from a feminist and gender equality lens.

First Ministers' Conferences Formal meetings of the prime minister and premiers, along with large supporting delegations of ministers, aides, and officials.

First Ministers' Meetings Informal private meetings of the prime minister and premiers.

Fiscal Imbalance The mismatch between revenue received and revenue required. Federal revenues exceed the amount the federal government needs, and provincial revenues are insufficient to discharge the provincial constitutional responsibilities.

Formal Executive That part of the executive comprising the queen, the governor general, and the Queen's Privy Council for Canada, which possesses formal constitutional authority and by convention acts on the advice of the political executive.

Formative Events Theory A theory that emphasizes the importance of a crucial formative event in establishing the basic character of a country's political culture.

Founding Fragments Theory The theory that in the founding of new societies only a fragment of the political culture of the "mother country" formed the basis for the political culture of the new society.

Franchise The right to vote.

Free Rider An individual who enjoys the benefits of group action without contributing.

Generational Replacement The process through which younger-age cohorts enter the electorate and replace their older predecessors.

Gerrymandering The drawing of boundaries for partisan advantage, particularly for the advantage of the governing party.

Globalization The increasing freedom of movement of trade, capital, people, culture, and ideas across borders, creating a more interconnected world.

Governance The sharing by government of the process of governing with societal partners such as private sector organizations and non-governmental organizations; governing changes from the "command and control" model to the "partnership" model.

Government The set of institutions that have the authority to make executive decisions; present proposed laws, taxes, and expenditures to the appropriate legislative body; and oversee the implementation of laws and policies.

Governor in Council The formal name given to cabinet in order to invest its decisions with constitutional authority. The phrase signifies that the governor general is acting on the advice of the Queen's Privy Council for Canada, the active part of which is the cabinet.

Hard Power The use of coercion to get another country to act in a certain way.

Hawthorn Report A Canadian government report that recommended that First Nations people should have rights in addition to those of other citizens and not be forced to assimilate into the majority society.

House Leaders Members of each party who are responsible for their party's strategy in the House of Commons, including negotiating the parliamentary timetable with other House leaders.

House Officers Political officers of the House of Commons.

Humanitarian Assistance Short-term aid provided to respond to crisis situations in foreign countries.

Ideological Party A party that tends to adhere to a strict ideology or set of principles, even at the cost of limited electoral support.

Implied Bill of Rights The judicial theory that rights are implied by the preamble to the Constitution Act, 1867 and therefore could not be infringed upon by ordinary legislation.

Individual Ministerial Responsibility The responsibility of individual cabinet ministers to the House of Commons for the decisions and actions of the department they administer.

Inherent Right of Self-Government The perspective that First Nations have the right to govern themselves based on their independence before European colonization, a right that was never ceded.

Inherent Right of Self-Government Policy A Canadian government policy recognizing an inherent right to Indigenous self-government.

Initiative A proposed new law or changes to an existing law drafted by an individual or group rather than by a government or legislature. The proposal is put to a vote by the people after enough signatures have been collected.

Institutionalized Cabinet A form of cabinet organization that emphasizes collective decision making and seeks to achieve it by a highly structured system of cabinet committees and central agencies.

Institutionalized Interest Group A group that has a formal organizational structure, a well-established membership base, paid professional staff, executive officers, permanent offices, and the capability to respond to the interests of its members by developing policy positions and promoting them through regular contact with government policy makers.

Integration The multidimensional process through which an immigrant becomes a contributing member of the host society.

Interest Groups Organizations that pursue the common interests or values of groups of people, particularly by trying to influence the making and implementation of public policies.

International Assistance Assistance to poorer countries to improve living conditions and the capacity of governments to provide for their populations.

Interstate Federalism A federal system in which provincial interests are represented primarily by provincial governments.

Intrastate Federalism A federal system in which provincial interests are represented in national political institutions.

Isolationism A desire to steer clear of foreign involvements.

Issue-Oriented Group A group formed to express views on a particular issue, concern, or grievance but with little organizational capacity and usually not long-lasting.

Joint Committees Standing committees composed of members of both the House of Commons and the Senate.

Judicial Advisory Committee A committee that assesses candidates for appointment as a superior court judge.

Judicial Committee of the Privy Council A tribunal of “Law Lords” (i.e., senior English judges in the House of Lords) that heard appeals from English colonies, including Canada, on constitutional and civil matters until 1949. (For more information see <https://www.jcpc.uk/about/history.html>.)

Judicial Independence The principle that the courts are expected to be independent of government and its agencies, legislative bodies, and other influences.

Judicial Review The authority of the courts to invalidate laws passed by Parliament or provincial legislatures that they deem to be in violation of the Constitution.

Keynesian Economics A perspective on managing the economy through government stimulation of the economy when business investment is weak and cooling the economy when inflation is rampant.

Leader of Her Majesty’s Loyal Opposition The person who usually leads the second-largest party in the House and who would normally be considered the most likely to be prime minister in the event of a change in government.

Leadership Review The formal process that sets out the procedures for evaluating and possibly replacing a party leader.

Legal Model of Judicial Decision Making The view that judges base their decisions on a careful reading of the relevant law.

Legislative Committees Temporary committees of the House established primarily to review a specific bill.

Legitimacy The acceptance by the people that those in positions of authority have the right to govern.

Liberal Democracy A political system in which the powers of government are limited by law, the rights of the people to engage in political activity freely are well established, and fair elections are held to choose those who make governing decisions.

Liberal Internationalism The idea that the application of liberal values—including rights and freedoms, democracy, the rule of law, and justice, combined with the growing interaction and interdependence among the peoples, economies, and countries of the world—can make a peaceful world possible, particularly through the development of international institutions.

Liberal Internationalist Conception of International Relations The idea that states can rely primarily on soft power and mutual cooperation to advance their goals.

Liberalism An ideological perspective that emphasizes the value of individual freedom, based on a belief that individuals are generally capable of using reason in pursuit of their own interests.

Life-Cycle Effects The tendency for people to vote at higher rates as they age.

Line Departments Departments that deliver the basic programs and services of government.

Lobbying An effort to influence government decisions, particularly through direct personal communication with key government decision makers.

Loyalists Americans who remained loyal to the British Crown at the time of the War of Independence. Subsequently, many Loyalists migrated to the British North American colonies.

Major Party A party that seeks to win office, has enough electoral support to win office, or is strong enough to influence the policy positions of those who hold power.

Majority Government A governing party that has a majority of seats in the House of Commons, regardless of whether it received a majority of votes in an election.

Maritime Rights Movement A political movement in the 1920s that sought better terms for the Maritime provinces within Canada.

Market-Oriented Party A party that attempts to determine in advance what voters want and then shapes its image and policies according to the preferences of individuals.

Marxist Theory A theory that views capitalist countries as inherently biased toward the interests of capitalism and the capitalist class.

Mass Party Party with highly developed extra-parliamentary organization that aspires to enrol a large percentage of voters as party members.

Meech Lake Accord An agreement on constitutional change reached by the prime minister and premiers in 1987 that failed to be ratified by all the provincial legislatures. The accord satisfied the conditions laid out by Quebec for signing the Constitution Act, 1982, while extending the powers granted to Quebec to all provinces.

Minor Party A party that has not yet been in power and, in the eyes of voters, is an “untried alternative.”

Mixed-Member Proportional System (MMP) An electoral system in which voters cast one vote for the party they prefer and one vote for the candidate they prefer. Some legislators represent the district in which they received the most votes, while other legislators are selected based on the proportion of votes received by their party.

Mother Tongue The first language a person learned at home in childhood and still understands.

Multination State A state that contains more than one nation.

Multi-Party System With a Dominant Party One large party receives about 40 percent of the vote, and the two largest parties together win about two-thirds of voter support.

Multi-Party System Without a Dominant Party Competition where there is no dominant party, and three or four parties are well placed to form coalitions.

Nation A historical community with its own institutions, occupying a given territory or homeland, and sharing a distinct language and culture.

National Energy Program A Canadian government program adopted in 1980 that included keeping oil prices below the international level, increasing the Canadian government's share of oil revenues, establishing a federal Crown corporation to be involved in the oil industry, and encouraging and subsidizing oil exploration on federal lands in the Arctic and offshore Newfoundland.

National Minority A culturally distinct and potentially self-governing society that has been incorporated into a larger state.

National Policy A Canadian government policy adopted in 1879 that included railway construction, a high tariff on the import of manufactured products, and the encouragement of immigration to western Canada.

Neo-liberalism An ideological perspective based on a strong belief in a free market system with the role of government reduced to a bare minimum, individuals responsible for their own well-being, taxes substantially reduced, global free trade pursued, and barriers to the international flow of finance and investment removed.

Neo-Pluralism A modification of pluralist theory that views business interests as having a privileged position in influencing government policy making.

New Public Governance (NPG) An approach that emphasizes the tools or instruments intended to achieve policy results, in particular, networks comprising the public, private, and non-profit sectors.

New Public Management (NPM) The adoption of the practices of private business in the administrative activities of government.

New Social Movements Social movements that emphasize the development of a shared collective identity among their supporters and accentuate non-materialistic concerns about quality of life, lifestyle, equality, or human rights issues.

North American Free Trade Agreement (NAFTA) A 1992 agreement between Canada, the United States, and Mexico that established a high level of economic integration in North America.

Notwithstanding Clause A provision in the Charter of Rights and Freedoms that allows Parliament or a provincial legislature to explicitly declare that a particular law (related to some sections of the Charter) shall operate notwithstanding the provisions of the Charter.

Nudging Nudging is a means used by state actors to influence the behaviour of people and organizations without coercing them.

Oakes Test A Supreme Court of Canada ruling setting out basic principles in applying the reasonable limits clause.

Officers of Parliament Independent officials who assist Parliament in holding government accountable and protecting various rights of Canadians.

Official Language Minority Communities Generally, these communities consist of francophones who reside outside of Quebec and English-speaking residents of Quebec.

Official Multiculturalism A policy introduced in 1971 that encourages individuals to embrace the culture and tradition of their choice while retaining Canadian citizenship.

Omnibus Bills Proposed laws changing legislation on a large number of unrelated topics.

Online activism Political activism that employs online communications tools such as websites, emails, blogs, and social networking services.

Online/E-voting Casting a ballot over the Internet at a polling station, from a home computer, or on some other electronic device.

Open Federalism The Harper government's approach to federalism, involving such measures as transferring more money to provincial governments, respecting the constitutional division of powers and provincial autonomy, and limiting the use of the federal spending power.

Open List PR System An electoral system in which voters do not have to accept the ordering of candidates presented by the party but can rank them in any order they choose.

Parliamentary Supremacy The British principle that Parliament is the supreme law-making body, whose ability to legislate has not been restricted by a superior constitutional document.

Party Conventions Meetings of party members that are held to elect party officials and debate policy and amendments to the party's constitution.

Party Discipline The expectation that parliamentary members will vote in keeping with the position that their party has adopted in caucus.

Party Identification A sense of attachment to a particular political party.

Party members Individuals who have applied to and who have paid a fee to belong to a party.

Party System A pattern of electoral competition that emerges between two or more parties.

Party Whips Members of each party who are caucus coordinators by maintaining party discipline, ensuring members attend for votes, and advising members on their duties.

Pay Equity A requirement that equal pay be given for work of equal value, in particular by increasing the pay of those working in occupations staffed primarily by women to the level of pay of equivalent occupations primarily staffed by men.

Peak Associations Organizations representing a particular major interest based on a number of related interest groups rather than individual members.

Permanent Residents Immigrants who are permitted to live in Canada and receive certain rights and privileges, while remaining a citizen of their home country.

Plebiscitary Democracy The use of referendums, initiatives, and recall procedures as an alternative to what some view as the elite-oriented nature of representative democracy.

Pluralist Theory The theory that the freedom of individuals to establish and join groups that are not controlled by the government results in a variety of groups having an ability to influence the decisions of government, with no group having a dominant influence.

Policy Community Collaboration of government officials responsible for a particular policy area and relevant institutionalized interest groups in developing public policies.

Policy Innovation Labs They are usually hybrid organizations comprising system and design thinkers and others often from the public, private, and non-profit sectors to find solutions to wicked policy problems.

Political Culture The fundamental political values, beliefs, and orientations that are widely held within a political community.

Political Efficacy A belief that government is responsive to the people and that they can influence what government does.

Political Executive The prime minister, cabinet, and ministers of state.

Political Ideology A set of ideas, values, and beliefs about politics, society, and the economic system, often based on assumptions about human nature.

Political Participation Actions people take to raise awareness about issues, to influence the choice of government personnel, and to shape the content of legislation and public policies.

Political Party An organization that endorses one or more of its members as candidates and supports their election.

Political Socialization The process by which new generations and immigrants are socialized into the political culture.

Politics Activities related to influencing, making, and implementing collective decisions.

Polyethnic Rights Group-based rights that allow ethnic groups and religious minorities to express their cultural distinctiveness without discrimination.

Polyethnic State A state that contains many ethnic groups.

Populism An ideology that regards society as being separated into two homogeneous and antagonistic groups: “the pure people” and “the corrupt elite,” and argues that politics should be an expression of the general will of the people.

Post-Materialist Theory A theory that those who have grown up in relative security and affluence are more likely to give priority to post-materialist values rather than materialist values.

Post-Materialist Values Values such as self-expression, participation in economic and political decisions, emphasis on the quality of life, tolerance of diversity, and concern for environmental protection.

Power The ability to affect the behaviour of others, particularly by getting them to act in ways that they would not otherwise have done.

Preferential Voting An electoral system in which voters rank candidates in order of preference. If no candidate receives a majority of first preferences, the second preferences of the candidate with the least votes are added to the votes of the other candidates. The process continues until one candidate has a majority.

Prerogative Power The powers the monarch once uniquely possessed that have not been taken away by Parliament.

Prime Minister–Centred Cabinet A form of cabinet organization in which the first minister is so powerful that the nominal mechanisms for collective decision making, such as cabinet committees and central agencies, serve the prime minister’s personal agenda.

Prime Minister’s Office Provides partisan political advice to the prime minister and is staffed by supporters of the party in power.

Prime Minister The head of government, meaning the person chosen by the governor general to form a government, who is able to retain the confidence of a majority of the elected house of Parliament, the House of Commons.

Principal–Agent Theory A theory based on the idea that the bureaucrat, who is supposed to follow the will of the minister or the legislature, often uses specialized knowledge to thwart this arrangement.

Private Bills Proposed laws that are of concern to a limited group.

Private Law Areas of law dealing with the relationships among individuals, groups, and businesses that are primarily of private interest rather than general public interest.

Private Members’ Bills Public bills put forward by a member of Parliament who is not in the cabinet.

Privy Council Office The central agency that provides non-partisan policy advice to the prime minister and cabinet.

Procedural Officers of Parliament The staff who provide services to the House of Commons and Senate.

Progressive Movement A late nineteenth century movement in the United States that sought to break the “spoils system” in government by making the public sector at all levels more business-like, by shielding it from the political realm. The term also refers to a social movement of farmers (with some support from labour)

formed in Canada in the late nineteenth and early twentieth century to challenge Central Canadian economic and political interests, including established political parties that were viewed as dominated by big business.

Proportional Representation System An electoral system in which the proportion of seats a party receives in the legislative body reflects the proportion of votes the party obtained.

Protests Political acts that include non-violent actions such as signing a petition, boycotts, peaceful marches, demonstrations, and strikes. They may sometimes involve the use of violence to damage property or harm the opponents of the cause.

Provincial and Territorial Nominees Permanent immigrants who are nominated by provinces or territories to address specific labour market and economic development needs.

Provincial Courts Trial courts whose judges are appointed and paid by the provincial government.

Public Bills Proposed laws that have an impact on the whole of society or are designed to promote the general welfare.

Public Bureaucracy The staffs of a variety of governing institutions.

Public Interest Group A group that pursues goals that can be viewed as being for the public good and do not benefit members of the group exclusively.

Public Law Laws concerning the relationship of the state to individuals and laws concerning the authority and operations of the state.

Public Policy It is what government does or does not do purposefully, or what it compels or encourages others to do or not to do.

Purposive Incentives Incentives to join a group based on the satisfaction that is gained by expressing one’s values or promoting a cause in which one believes.

Quasi-Federalism A system in which the federal government dominates provincial governments, particularly through its use of the powers of reservation and disallowance to invalidate provincial legislation.

Quebec Act, 1774 An act of the British Parliament that guaranteed that Catholics would be able to freely practise their religion, the privileges of the Catholic Church would be maintained, and the French system of civil (private) law would be used alongside British criminal law.

Quiet Revolution A series of political, institutional, and social reforms ushered in under Quebec Liberal leader Jean Lesage, beginning in 1960.

Racial profiling Any action undertaken for reasons of safety, security, or public protection that relies on assumptions about race, colour, ethnicity, ancestry, religion, or place of origin rather than on reasonable suspicion to single out an individual for greater scrutiny or differential treatment (Canada Race Relations Foundation, 2015).

Rational Choice Theory A theory based on the assumption that individuals rationally pursue their own self-interest.

Rational Model A model of the policy process that maintains that decision makers are oriented toward achieving objectives and influenced by a desire to be as complete as possible with regard to examination of options to reach those objectives.

Realist Vision of International Relations The perspective that because the world has no central authority able to impose order, each country is concerned primarily with security, survival, and promotion of its own national interests.

Reasonable Limits Clause A clause of the Charter of Rights and Freedoms that allows for reasonable limits on rights and freedoms, provided the limits can be demonstrably justified in a free and democratic society.

Recall A procedure that allows citizens to recall their representative and require that a new election be held, provided sufficient names are obtained on a petition.

Reference The opinion of the courts on a question asked by the federal or provincial government.

Referendum A vote by the people on a particular question asked by the government or legislative body.

Refugee Claimants Temporary residents in the humanitarian population who request refugee protection upon or after arrival in Canada. The claimant receives Canada's protection when he or she is found to be a Convention refugee as defined by the United Nations 1951 Geneva Convention Relating to the Status of Refugees and its 1967 protocol or when found to be a person needing protection based on risk to life, risk of cruel and unusual treatment or punishment, or danger of torture as defined in the Convention Against Torture.

Refugees People living in or outside Canada who have a well-founded fear of persecution based on race, religion, political opinion, nationality, or membership in a particular social group.

Representative Democracy A form of democracy in which citizens elect representatives to make governing decisions on their behalf.

Reservation Power The right of a lieutenant-governor to reserve the passage of provincial legislation until that legislation is approved by the Canadian cabinet.

Residual Power Legislative power over matters not listed in the Constitution.

Responsible Government A system of government in which the government (prime minister and cabinet) are accountable to the House of Commons and must retain the support of the majority of the elected members of Parliament.

Restorative Justice The perspective that justice should focus on offenders taking responsibility for their actions, repairing the harm that has been caused, and reconciling the offender, the victim, and the community.

Results-Based Budgeting (RBB) A participatory and team-based approach to public sector management, with managers responsible for the efficient delivery of key policy objectives.

Results-Based Management (RBM) A subset of RBM that allocated the budget to achieve defined priorities, objectives, and results.

Royal Commission on Aboriginal Peoples A Royal Commission established by the Canadian government that recommended a fundamental restructuring of the relationship between Indigenous and settler societies based on the recognition of Indigenous nationhood.

Royal Proclamation, 1763 Established British rule over the former French colonies and placed "Indians" under the protection of the British Crown.

Rule of Law The principle that individuals should be subject only to known, predictable, and impartial rules rather than to the arbitrary orders of those in governing positions.

Runoff Election A second election that is held (often with only the top two candidates) if no candidate in the first election wins a majority of votes.

Scientific Management A complex system of management of the production process, often popularly associated with time-and-motion studies, which maintains that there is one best way to increase output.

Security Council A key body of the United Nations responsible for maintaining international peace and security. It consists of five

permanent members, who each have a veto, and ten members elected by the UN General Assembly for two-year terms.

Selective Benefits Particular benefits that are made available to the members of an interest group but are not available to the public as a whole.

Self-Government Rights Group-based rights that grant a national minority some kind of territorial jurisdiction or autonomy over its political and cultural affairs.

Self-Interest Groups Interest groups that are primarily concerned with selective benefits that are directed toward their members.

Semi-Independent Public Agency A government organization that has a degree of independence from executive controls and parliamentary scrutiny.

Sentencing Circles A group that may include the guilty individual, the victim, their families, elders, and other interested members of the community, along with the prosecutor, defence lawyer, and police officers. The goal is to reach a consensus about what measures are needed to reintegrate the offender as a responsible member of the community and to assist the victim.

Shared-Cost Programs Provincial programs in which the Canadian government generally paid half the costs.

Single Transferable Vote System An electoral system in which voters mark their preferences for a number of candidates in a multi-member district with a certain percentage (quota) of votes needed for a candidate to win. The second preferences that are surplus to what the winning candidates need are transferred to candidates who have not reached the quota. This process continues until all the seats in the district are filled.

Single-Member Plurality Electoral System (SMP) An electoral system in which voters in each district elect a single representative. The candidate with the most votes is elected, regardless of whether that candidate received the majority of votes.

Social Capital The networks, norms of generalized reciprocity, and trust that foster coordination and cooperation for mutual benefit.

Social Conservatism An ideology based on a commitment to traditional ideas about the family and morality.

Social Democracy The perspective that greater social and economic equality is needed for a country to be fully democratic.

Social Movement A network of groups and individuals that seek major social and political changes, particularly by acting outside of established political institutions.

Social Rights Rights that require government action, such as the right to education, housing, or employment.

Socialism An ideological perspective that emphasizes the value of social and economic equality and generally is critical of the capitalist economic system.

Soft Power The use of a country's culture, political values, and foreign policies to influence another country's behaviour through non-coercive means.

Solidary Incentives Incentives to join a group for social reasons, such as the opportunities to attend meetings and interact with others.

Speaker The presiding officer of the House of Commons, who is responsible for applying the rules and procedures, maintaining order in debate, and overseeing the administration of the Commons.

Special Committees Committees of the House established to study a particular issue.

Special Representation Rights The provision of guaranteed representation for particular groups in legislative bodies or other political institutions.

Specific Claims Claims by Indigenous groups based on allegations that treaties and other legal obligations of the Canadian government have not been fulfilled or that the Canadian government has not properly administered Indigenous lands and other assets.

Speech from the Throne Government's indication of what it considers to be the state of the country, together with a general outline of the kinds of legislation that it has planned for the parliamentary session.

Spending Power The ability of the Canadian government to spend money as it sees fit, even on matters under provincial jurisdiction.

Stages (or Policy Cycle) Approach An approach that sees the policy process as including a number of separate elements, or stages, that altogether add up to a sequence of events that unfold in logical succession in a more or less cyclical fashion.

Standing Committees Permanent committees of the House whose responsibilities include detailed examination of proposed legislation and review of departmental estimates.

State An independent, self-governing country whose governing institutions are able to make and enforce rules that are binding on the people living within a particular territory.

State-Centred Theory The theory that the state is largely independent of social forces, and thus state actors are relatively free to act on their own values and interests.

Statute of Westminster, 1931 An act of the Parliament of the United Kingdom ending British control of Canada.

Statutory Law A law that has been passed by an Act of Parliament or a provincial legislature.

Strategic Model of Judicial Decision Making The view that a bargaining process among the judges takes place for them to reach a majority or a unanimous decision.

Subordinate (Delegated) Legislation Authority for subordinate legislation that comes from a primary piece of legislation passed by Parliament and takes the form of orders-in-council or regulations made by a minister or agency.

Superior Courts Courts in each province whose judges are appointed and paid by the Canadian government.

Supreme Court of Canada The final court of appeal for all cases since 1949.

Tariff A tax or customs duty on imported goods.

The Crown The repository of all of the executive powers of the state and the supreme authority for government.

The United States–Mexico–Canada Agreement (USMCA) An agreement between the three North American countries reached in 2018 to replace NAFTA.

Time Allocation A motion in the House of Commons that allocates the time that can be spent debating a bill.

Torts Harmful actions, negligence, or words that allow the injured party to sue for damages.

Triple-E Senate A proposal that the Senate be reformed to be elected and effective based on equal representation from each province regardless of population.

Two-and-a-Half Party System Pattern of competition whereby two major parties win at least three-quarters of the vote and a third party receives a much smaller share of the vote.

Two-Party System A pattern of competition in which there are two, or primarily two, parties.

Unitary System A system of governing in which authority rests with the central government; regional and local governments are subordinate to the central government.

United Nations An organization of almost all the countries of the world, established in 1945.

Universal Declaration of Human Rights A statement adopted by the UN General Assembly in 1948 to proclaim the fundamental human rights to be universally protected. The Declaration is considered the cornerstone of international human rights law and has been translated into more than 500 languages (United Nations, 1948).

Volunteering Providing unpaid service to help others.

Westminster Model of Parliamentary Government The model of representative and responsible government used in the United Kingdom and in other countries that emulate it.

White Paper on Indians A 1969 Canadian government discussion paper that proposed to end the different legal status of First Nations people.

Whitehall Model The traditional British style of public administration with such features as ministerial responsibility, public service anonymity and neutrality, secrecy, and the merit principle.

Wicked Policy Problems They are resistant to solutions because they are multifaceted, with changing components and far-reaching externalities.

World Trade Organization (WTO) An organization of 164 countries (including Canada) that establishes global rules of trade, including lowering trade barriers and implementing procedures for dispute settlements.

Writ of Election A document that dissolves Parliament and authorizes the start of the election.

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